CAN I PLAY?

THE REPORT OF THE TASK FORCE ON EQUAL OPPORTUNITY IN ATHLETICS

VOLUME 1

CHAIRMAN: JOHN SOPINKA Q.C.

ADVISORS: CINDY NICHOLAS
DEBBIE VAN KIEKEBELT

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ON

EQUAL OPPORTUNITY IN ATHLETICS

SEPTEMBER, 1983

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CAN I PLAY?

INTRODUCTION

Sports in Society

Sport today is less a diversion than a national preoccupation. Newspapers devote more space every day to sports than to international news or editorials; the sports fan can obtain an hourly bulletin as to who won and who lost. Television, on which the attention of the average Canadian focuses for many hours each week, offers Monday night football, Tuesday night baseball, Wednesday night hockey and so on; and even this is only an hors d'oeuvre, an appetizer for the weekend feast awaiting the bleary-eyed sports glutton.

The degree of interest in sport is reflected in the influence it has had on language; the politician speaks of a "game plan"; the business executive is urged to be a "team player"; and the military general leads his troops through "war games".

The professional athlete today competes for and is paid large sums of money. He often enjoys a popularity far exceeding that of any public figure. In short he or she is a folk hero or heroine. Full or part-time employment is provided to coaches, officials, stadium owners, concessionaires, announcers, and manufacturers of every conceivable product from swim suits to bottled beer.

Amateur sport is perhaps the most important of all. It provides the opportunity for the finest of our young athletes to represent their country in international competition. For those who attain this level it is no longer simply

recreation, it is serious business. For those who compete on a lesser plane, it provides recreation, enjoyment and fulfillment.

Athletics are a necessary part of our education. This was aptly expressed in the comments of an English Judge, which were reaffirmed recently in the House of Lords:[1]

> "No one of sense could be found to suggest that between those ages (10 - 19) any boy (sic) can be properly educated unless at least as much attention is given to the development of his body as is given to the development of his mind. It is necessary, therefore, in any satisfactory system of education to provide for both mental and bodily occupation, mental occupation by means of the classics and those other less inviting studies to which a portion of the day is devoted, and bodily occupation by means of regular and organised games."

This report is concerned with participation in athletic activity. More particularly it is concerned with equal opportunity for participation. Since sport affects all of us either as participant, spectator, or taxpayer (for amateur sport receives a good deal of its funding from government) so, too, the laws, rules and policies of government and other agencies which determine who can participate affect us all.

Are these rules and policies which determine who can play fair so as to accord to both sexes equal treatment. My terms of reference required me to determine this issue. I was required to recommend what changes, if any, should be made to ensure this result.

In fulfilling this mandate, I quickly realized that the array of athletic pursuits in the Province of Ontario is as diverse

as its people. No two individuals have the same athletic inclinations or abilities. Nothing in this report is designed to force a reluctant participant, either male or female, into any particular kind of athletic endeavour. But if a person chooses to participate in a sport, do they have a fair and equal opportunity to do so? That is the question.

The Study

The Order-in-Council appointing me stated the following terms of reference:

> "To study and make recommendations in respect of equal treatment of the sexes in athletics and without limiting the generality of the foregoing to study and make recommendations with respect to:
>
> (1) the changes if any, legislative or otherwise, within the jurisdiction of the Province of Ontario that should be made to provide equal opportunity to both sexes to participate in athletics;
>
> (2) the extent to which public institutions within the jurisdiction of the Province of Ontario, including universities, colleges, elementary and secondary schools provide equal opportunity for participation of both sexes in athletic activities and what changes if any, legislative or otherwise, should be made;
>
> (3) the extent to which the present organization of athletics promotes equal opportunity for both sexes to participate in athletics and what changes if any, legislative or otherwise, should be made;
>
> (4) the extent to which the present program for public funding of athletics promotes equal opportunity for both sexes to participate in athletics and what changes if any, legislative or otherwise, should be made;
>
> (5) the legislation and experience of other jurisdictions in Canada and elsewhere with respect to equal treatment of the sexes in athletics;"

In order to ensure that there was adequate input from both sexes, and in accordance with recommendations made to me by Ministry officials, I appointed two advisors, Ms. Cindy Nicholas and Ms. Debbie Van Kiekebelt. Both are women who achieved great prominence in their respective sports.

Cindy Nicholas is the greatest long distance swimmer in the world. In 1974 she completed a record swim of Lake Ontario and in 1975 a record one-way crossing of the English Channel. She was the first woman to swim a two-way crossing of the English Channel setting a new world record for women and men of 19 hours 55 minutes. In 1982 she set a world record with the completion of 19 crossings of the Channel. Her titles and appointments include capturing the Women's Marathon Swimming Championship in 1976, and election to the International Swimming Hall of Fame and the British Hall of Fame and the Award of the Order of Canada. She has completed law school and is presently articled to lawyer R. Alan Eagleson.

Debbie Van Kiekebelt has had an astonishingly successful career competing in the Pentathlon, and has won many awards and titles. Among them is a gold medal in the 1971 Pan American Games, a gold medal in the Canada-Russia Duel Meet in 1972 and a Silver Medal in the 1973 Pan Pacific Games. In 1971 she was named Canada's female athlete of the year, and she still holds the world record for Junior Pentathlon. In addition she is an accomplished television and radio performer having appeared on a number of television programs as a colour commentator and in specials presented by NBC and CBC. She is currently employed as a fitness and program director.

I sought their advice throughout the Inquiry and they have been of great assistance to me.

For ease of study I divided the Inquiry into three phases:

PHASE I - AMATEUR ATHLETICS IN THE COMMUNITY

PHASE II - ATHLETICS IN ELEMENTARY AND SECONDARY SCHOOLS

PHASE III - ATHLETICS AT UNIVERSITIES, COMMUNITY COLLEGES AND PROFESSIONAL ATHLETICS

This study was guided by two overriding objectives:

First, to describe accurately the current state of equality of opportunity in athletics.

Secondly, to formulate realistic recommendations for action to be taken and law and policy to be adopted which would maintain or bring about equality.

I decided that the Study did not lend itself to the conduct of formal hearings. In place of such hearings I and my staff met with all interested persons at informal meetings. This was supplemented by written briefs and other material. The views of all factions were solicited directly and indirectly by publishing in newspapers throughout the province an advertisement concerning the issues.

As the study progressed I found that one issue about which there was considerable disagreement was the extent to which physiological differences between boys and girls, men and

women militated against integration in athletic competition. I therefore sought guidance from recognized experts in the field of human physiology and kinetics with respect to the ability of each sex to meet the demands of particular sports. I express my appreciation to Dr. Robert Goode who coordinated the research of an advisory group whose findings and recommendations were invaluable.

I was assisted by and am indebted to many people in this task. Officials in the Ministries of Labour, Education and Tourism and Recreation, gave me their time and full cooperation. I wish to thank them and their Ministers for making this assistance available to me.

In the first phase I was gratified by the support I received from the provincial Sports Governing Bodies (SGBs). They provided me with the background information which enabled me to understand the structure of amateur sports in the community. I wish to thank their executives and officials for the time and effort expended in furtherance of this study.

In the second and third phase of my study I arranged to examine equality of opportunity in the school systems of a representative number of school boards, community colleges and universities. Accordingly, I met with school trustees, directors of education, directors of athletics, professors, teachers and other officials. I received their full cooperation, but more significantly they were forthright in expressing their views. I wish to thank each of them. I owe special thanks to Sandra Goldstein the Chairperson of the Status of Women Committee of the Ottawa Board of Education and former Chairperson and member Jane Dobell and other members of the Ottawa Board of Education. They conducted a

survey of their system for me and generally extended their facilities unstintingly in an extraordinary display of unselfish cooperation.

I was fortunate to obtain the services of two outstanding lawyers, Catherine Rohmer and Ian Hunter. Catherine Rohmer took up the challenge of organizing the study and the Task Force office with great ability and enthusiasm. On many occasions she acted as the spokesperson for the Task Force in my absence. In addition, she provided much insight and inspiration in the drafting of this report. Professor Ian Hunter brought to the task a long history of expertise in human rights. Moreover, he is a master of the English language. I relied heavily on him with respect to matters of law and general good advice.

And finally, athletes, coaches, officials, consultants, teachers, all gave generously of their time and wisdom. To all of them collectively and anonymously - but none the less sincerely - my warm appreciation.

CHAPTER I

EQUALITY IN ATHLETICS - THE STATE OF THE LAW

THE ONTARIO HUMAN RIGHTS CODE

Ontario's Legislative commitment to equality actually predates the existence of the province. In 1793 the Legislature of Upper Canada enacted a statute which freed slaves and provided equality for the children of slaves.[2] This statute predated by forty years the English Emancipation Act which abolished slavery throughout the British Empire.[3]

From such ancient and honourable beginnings, Ontario's legislative commitment to equality has been repeatedly confirmed by the enactment of anti-discrimination legislation,[4] culminating in 1962 in the first comprehensive human rights code in Canada.[5] This novel legislation served as a model for every other province[6] and, to a very considerable extent, for the Canadian Human Rights Act of 1977.[7]

From the very beginning, the Preamble of the Human Rights Code left no doubt that "public policy" in Ontario was that "every person is free and equal in dignity and rights," ard that discrimination was offensive not only to the individual disadvantaged thereby but also to the public interest. For this reason, a Commission was established whose responsibility it was to forward and secure the public policy against discrimination.[8]

But no legal principle, including equality, is absolute. Experience has taught that principles must be adapted to take account of social realities which are always changing. People differ in ability, intelligence, and determination; the sexes differ in biological function and (although this is disputed in some quarters) in athletic potential in sports which place a premium on strength. The law cannot blind itself to such realities. From the very beginning, human rights legislation tailored its principles to existing social realities.[9]

For two decades the Ontario approach to extending human rights legislation has been based on a philosophy of gradual change. As new social needs became apparent and as experience was acquired in techniques of administering and enforcing human rights legislation, it gradually evolved to its present comprehensive form.

To some extent, the new Human Rights Code proclaimed in force on June 15, 1982 signals a significant departure. It is an extension of past legislation in that new grounds of discrimination are added and the social areas in which it applies are expanded.[10] However, it is a departure from past practice in that the Act no longer speaks in prohibitions or "Thou shalt nots." Instead, the new Code is phrased throughout in affirmative declarations about rights; specifically, that everyone in Ontario has "a right to equal treatment."

A less progressive change in the opinion of some was the specific exemption from the Code of discrimination in athletics on the basis of sex. Section 19(2) of the Code provides as follows:

> (2) The right under section 1 to equal treatment with respect to services and facilities is not infringed where membership in an athletic organization or participation in an athletic activity is restricted to persons of the same sex.

This provision ended a debate as to whether the 1962 Code prohibited discrimination in athletics on the basis of sex in places to which the public is customarily admitted.

This controversy came to a head in two widely publicized cases: the Debbie Bazso case and the Gail Cummings case.

The Debbie Bazso Case

Debbie Bazso, a nine year old girl, was perhaps the best player on the Waterford Squirt All Star Softball Team. By reason largely of her talents the team advanced to the play-offs organized by the Ontario Rural Softball Association. Its constitution and by-laws however did not allow mixed competition. The Association, therefore, disqualified the team from competition. The manager of the team, Mr. Bannerman, laid a complaint before the Ontario Human Rights Commission which ordered a Board of Inquiry.

Section 2 of the Ontario Code prohibited discrimination on the ground of, inter alia, sex in the provision of accommodation, services or facilities available in any place to which the public is customarily admitted. The Board of Inquiry held that this provision had been contravened. It stressed the fact that in order to play on a girl's team Debbie Bazso would have had to travel some distance to another community.

The Divisional Court on an appeal to it reversed the Board of Inquiry and held that section 2 did not apply.

On appeal to the Court of Appeal[11] the Court was divided. The majority (Weatherston and Houlden JJ.A.) held that the Code did not apply but for different reasons. Weatherston J.A. opined that the Code should not be given such a broad interpretation as to offend common sense. He wrote:

> "Where, as here, there is a manifest attempt to achieve fairness in competition amongst teams in the several series and where, to achieve that end, some discrimination because of sex is inevitable, I do not think it an offence if sex is merely one of the general criteria for dividing players amongst the several series."

On the other hand, Houlden J.A. based his decision on the ground that the activities were not services or facilities within section 2 of the Code.

The third judge, Madame Justice Wilson, who dissented would have reaffirmed the decision of the Board of Inquiry. She stated:

> "Indeed, there is no suggestion that Debbie Bazso did not meet all the other tests of eligibility for the play-offs. She was refused registration simply because she was a girl. Her case seems to me therefore to be on exactly the same footing under the section as the case of a boy denied registration by O.R.S.A. because he is black."

She stated further:

> "It seems to me that if the Legislature intends amateur sport to be excluded from the ban on

> discrimination on grounds of sex, the appropriate course for it to follow is to enact the kind of exception which was enacted in the United Kingdom." (Section 44 of the Sex Discrimination Act, 1975 (U.K.))

Leave to appeal to the Supreme Court of Canada was refused.

The Gail Cummings Case

On September 30, 1976 a newspaper advertisement appeared in the Huntsville Forester giving times for "boys and girls" to register in the Huntsville minor hockey league. One of those who registered was Gail Cummings a ten year old girl. A month later, after house league play had begun, another advertismment appeared in the same newspaper announcing "tryouts for the All Star Atom team". Gail Cummings, who had been playing goal for one of the house league Atom teams, competed and was chosen to be one of the three Atom All Star goalies. Her coach, Mr. Barry Webb, who selected Gail for the All Star team testified:

> "She played well, as opposed to excellent or poorly. She was an adequate player ... If Gail cut her hair off you wouldn't know the difference between her and the boys."[12]

Each All Star player was required to complete a registration card to be approved by the Canadian Amateur Hockey Association. Gail completed, and Mr. Webb submitted, the appropriate certificate. Gail had already played in four All Star games when word came back that the Ontario Minor Hockey Association refused to approve her certificate.

The Constitution of the Ontario Minor Hockey Association specified its objects as "to promote, encourage and govern

hockey for boys in the province of Ontario".[13] The OMHA did not organize competitive hockey for girls in Ontario nor did they allow integrated or mixed competition under their auspices.

At the time, Huntsville had a girls' hockey team (the Huntsville Honeys) but their minimum age for players was thirteen.

Gail Cummings' options, therefore, were three: (1) she could give up hockey as a sport; (2) she could continue to play non-competitive house league hockey; or (3) she could challenge the OMHA rule excluding girls from organized competition.

Since she wished to play competitive hockey, with its advantages of greater ice time, a higher calibre of play, and enhanced opportunity for skill development, she challenged the OMHA rule. A complaint of sex discrimination was filed with the Ontario Human Rights Commission and a Board of Inquiry hearing was subsequently convened in Huntsville on August 22, 1977.

The evidence led before the Board of Inquiry estabished that competitive OMHA teams receive approximately twice as much ice time as house league teams; that OMHA players have regular inter-town competition, plus regional tournaments and zone playdowns; that OMHA competiton offers players the fun of travel and the excitement of competing for trophies and honours.

The evidence also established that Gail Cummings was an all-round athlete (track and field, swimming, figure skating

and lacrosse) who was selected as one of the three All Star goalies solely on the basis of her ability.

Why should a ten year old goalie, whose skill enabled her to compete, be denied such an opportunity because of her sex? That was the issue confronting the Board of Inquiry.

The OMHA did not contend that it excluded girls from competition for physiological reasons; indeed the evidence led before the Board was to the contrary. The evidence was that, until the age of puberty, girls and boys were comparable in strength, speed, endurance, and ability to acquire athletic skills. The OMHA objection to girls competing was summed up in this way by the Board chairman:

> "The Inquiry was told that integrated hockey would have a deleterious effect on the Association because its volunteers, a great many of whom spend long hours and many years in the service of amateur hockey, would leave the Association if required to work with little girls. A number of distinguished executives and volunteers in amateur hockey testified as to their personal beliefs that having boys and girls play hockey together would not be suitable because of the moral and social implications. The harm to boys from losing to girls, the danger to future family stability if boys learned in hockey to roughhouse with girls instead of treating them with respect, and the general uneasiness of mixed play were all mentioned in this connection."[14]

The Board of Inquiry held that there had been discrimination contrary to the Code and ordered the OMHA to accept and register all minor hockey players, male and female, who demonstrated the requisite skill to play at any particular competitive level.

The OMHA appealed and this appeal was heard at the same time as the Debbie Bazso case. The Divisional Court allowed the appeal and dismissed the complaint on the grounds that section 2 of the Code did not apply. A further appeal to the Court of Appeal was heard at the same time as the Debbie Bazso case but was dismissed on a technical ground, namely, that the respondent OMHA was not a legal entity.[15]

The intent, therefore, of the new Code was to do just what Madame Justice Wilson suggested had to be done if the result contended for by the appellants in that case was to be the law. At the time that section 19(2) was being debated however, the Minister of Labour stated in part as follows:

> "The issue of sex discrimination in sports activities is a particularly difficult one. As committee members know, there has been some jurisprudence on the issue. In one case, a Board of Inquiry held that discrimination on the ground of sex contrary to the current Human Rights Code had occured where a young girl was denied the right to participate in a boys softball tournament. This ruling was reversed in the Divisional Court and the Court of Appeal and leave to appeal was refused by the Supreme Court of Canada. From letters I have received, I know that there are strong feelings on both sides of the issue. Some argue that regardless of the merits, the establishment of single sex sports activities ought not to be governed by the provisions of the Human Rights Code. Others feel equally strongly that it is in fact a human rights issue. In view of those opposing positions, and because of the difficult and somewhat complex considerations surrounding the issue - physiological, social and historical - I have concluded that further study is required. Within the next few days, I hope to announce the names of the members of a task force which will be set up to inquire into the matter and report to me. Pending receipt of the task force's report, I am of the view that it should be made clear in the Bill that the establishment of the single sex sports activities is not a contravention of the Code. The

relevant section in the reprinted Bill is section 19(2)."

The Charter

No legal discussion today is complete without a consideration as to the effect of the Canadian Charter of Rights and Freedoms. Section 15 of the Charter provides as follows:

> "15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
>
> (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

This provision does not come into effect for three years from the date that the Charter was proclaimed, which was the 17th day of April 1982. Section 32(2) provides:

> "32. (2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force."

Although the operation of section 15 is not of immediate concern it will be in effect in April 1985. While it is not part of my task to provide a legal opinion as to whether this provision will affect amateur athletics it should be noted that discrimination in athletics on the basis of sex may be prohibited by the Charter.

In the area of predominate concern to this Task Force, amateur athletics, it might appear at first blush to be difficult to envisage a successful challenge based on the Charter. Nevertheless, such a challenge is not impossible.

Amateur and community athletics are clearly matters whithin the authority of the legislature of each province. Moreover, they are to some extent "governmental"; as we have discovered, each of the seventy-two recognized sports in Ontario receive substantial public funding. Therefore, such activities are not only legislatively within provincial jurisdiction but also have a component of governmental involvement.

Although it is difficult to predict with certainty whether a court would use the equality provisions of the Charter to deal with sex discrimination in amateur sport, the possibility is there. It is worth noting that it was the lever of governmental funding which the American courts used to enforce the equality provisions in Title VII against schoolboards, colleges, universities and other recipients of tax funds.

In preparing my recommendations I have assumed that the Charter will apply to amateur athletics. It seemed to me incongruous to propose a scheme designed to achieve equality of opportunity for the sexes which did not comply with the spirit of Section 15 of the Charter.

Public Attitude & Change

Public attitude to women in sports has undergone a radical change in the last century.

In 1879, when society considered participation in athletics by women to be unladylike, the following notice in the Prescott Telegraph raised eyebrows:

> "Six young ladies in the City of Ottawa, at present all unknown to fame, who are desirous of acquiring a reputation as athletes, have written to us to say that they are willing to challenge any six young ladies in this town to a game of football for a silver cup. We give their request publicity, but we do not think there are any young girls in Prescott who are ambitious to become champion kickers."

Today women compete, at least recreationally, in virtually every organized sport in Ontario. Statistics on female participation in the majority of sports which are governed by SGBs in this province are set out in Appendix 1. These statistics show that the incidence of female participation ranges from nil (e.g boxing) to substantial (e.g. field hockey, soccer) to virtually exclusive (e.g. ringette, net ball). Perhaps the only common denominator is that the rate of female participation appears to be increasing rapidly in sports generally. A study in early 1983 for the Canadian Association for Health, Physical Education and Recreation found that girls are 20 percent more fit now than their counterparts were in 1968 while boys are only 7.5 percent more fit than their counterparts were 15 years ago. Between the ages of 15 to 17, girls are 33 percent more fit. The study attributes this change to a greater acceptance of females in sports.

Notwithstanding the change in public attitude and the spectacular increase in the participation of women in athletics, opinions expressed to me varied radically on the desirability of having equality guaranteed by legislation.

The representations made to me range between those who suggest that human rights legislation has no part to play in sports and those who consider that sport is no different from any other activity and should have the full force of the Code applied to it.

The simple solution would be to adopt one of these points of view and thus to recommend either the repeal of section 19(2) of the Human Rights Code or its retention. As this study progressed I became of the opinion that this subject was much too complex for the application of any simple solution.

Some of the problems that bedeviled the adoption of a simple solution were as follows:

(1) Should a distinction be made between pre-pubescent athletes where the evidence suggests that boys and girls can compete fairly and post-puberty athletes where disparities in strength, speed or endurance may give boys a competitive advantage in certain sports? If so, then what happens to the exceptional female athlete whose abilities surpass the norm and whose only opportunity for meaningful competition is against men?

(2) Should the heavy hand of government intrude into amateur athletics, operated as they are primarily by volunteers from the community? On the other hand in a society where taxes of both sexes build arenas and subsidize sports, is it fair to exclude females from any level of athletic participation. Apart from the rare demand made on behalf of an exceptional female athlete, do women generally wish to compete against men?

(3) Is it appropriate to subject our educational institutions to surveillance and proceedings under the Human Rights Code in order to achieve equality?

These questions were fully canvassed during the course of the Study and are addressed in this report.

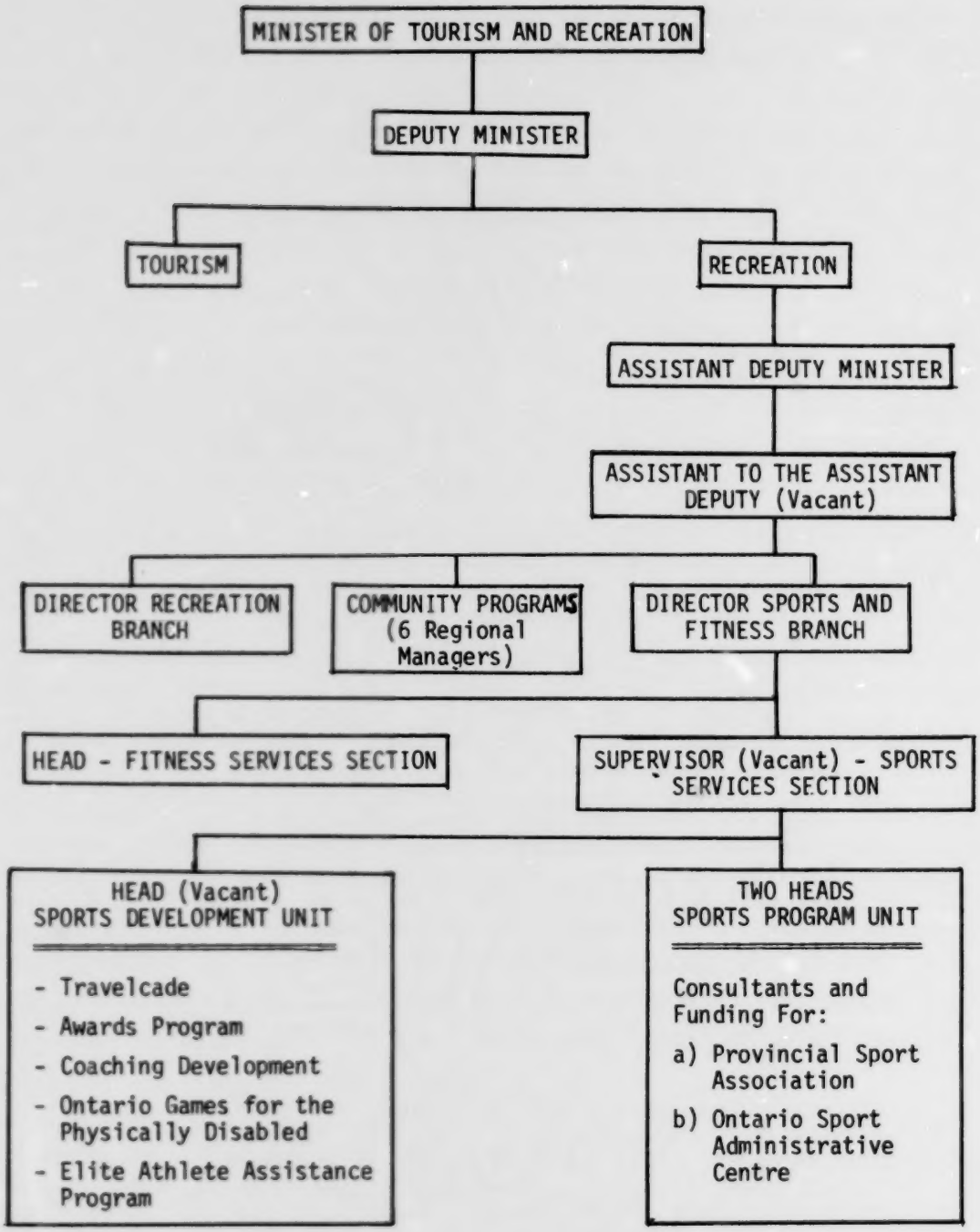
CHAPTER II

PHASE I - AMATEUR ATHLETICS IN THE COMMUNITY

Organization

Athletics in this category fall under the general jurisdiction of the Ministry of Tourism and Recreation (formerly the Ministry of Culture and Recreation). Early in my study I met with Mr. Robert Secord, the Assistant Deputy Minister for Sports, Recreation, Fitness and Community Programs who is in charge of sports services in Ontario.

An organizational chart based on information provided by the Ministry will serve to illustrate the administrative structure relating to sports services.[16]


MINISTER OF TOURISM AND RECREATION
DEPUTY MINISTER
TOURISM
RECREATION
ASSISTANT DEPUTY MINISTER
ASSISTANT TO THE ASSISTANT DEPUTY (Vacant)
DIRECTOR RECREATION BRANCH
COMMUNITY PROGRAMS (6 Regional Managers)
DIRECTOR SPORTS AND FITNESS BRANCH
HEAD - FITNESS SERVICES SECTION
SUPERVISOR (Vacant) - SPORTS SERVICES SECTION
HEAD (Vacant)
SPORTS DEVELOPMENT UNIT
- Travelcade
- Awards Program
- Coaching Development
- Ontario Games for the Physically Disabled
- Elite Athlete Assistance Program
TWO HEADS
SPORTS PROGRAM UNIT
Consultants and Funding For:
a) Provincial Sport Association
b) Ontario Sport Administrative Centre

The position designated as Assistant to the Assistant Deputy (Mr. Secord) is presently vacant.

The Recreation Branch is headed by a director. Generally the Branch provides consulting and other specialized services in therapeutic recreation for the disabled; creative play for children; camping; outdoor recreation; recreation and leisure research and community recreation; and senior citizens' recreation and pre-retirement programs.

Community Programs is run by 6 Regional Managers. It has no director at the present time. The following is a description of functions of this branch as provided by Ministry staff.

> "COMMUNITY PROGRAMS represents the Ministry throughout the Province by delivering and communicating Ministry programs and services to the public.
>
> The primary role of Community Programs is to guide, counsel and consult with municipal and community organizations and interest groups involved in RECREATIONAL, sports and fitness activities to ensure that existing programs reflect the participants' needs, that new needs can be identified and interests can be developed. Community Programs promotes COMMUNITY DEVELOPMENT and organizational skills and encourages and supports LEADERSHIP TRAINING programs. Community Programs staff are a communications link between the communities in which they work and the Ministry's program specialists in Queen's Park.
>
> Consultants also administer Ministry GRANTS to recreational, sports and fitness organizations for the following:
>
> RECREATION programs (Regulation 200; to be changed to Regulation 653); community RECREATION CENTRES (COMMUNITY RECREATION CENTRES ACT); non-profit CAMPS (Regulation 70/76); summer YOUTH EMPLOYMENT for STUDENTS: special projects. Consultants also administer discretionary funds for: LEADERSHIP TRAINING programs; skill training programs; ORGANIZATIONAL DEVELOPMENT; communications projects; workshops, seminars, meetings;

resource consultation to groups; experimental projects. Consultants meet with groups to explain what funding programs exist and the criteria governing them. They help in developing applications and make recommendations for groups' eligibility.

Six regional planning areas, headed by regional managers, are divided into districts coordinated by district supervisors, with geographic areas, each served by community consultants. There are 18 Ministry field offices in the Province listed below.

KEYWORDS: Wintario grants for sports, fitness and recreation; leisure; information about recreation for youth, senior citizens, the disabled; Recreation Director Certification or certification for recreation directors; Experience Programs, The Ministry of Tourism and Recreation."

The Sports and Fitness Branch is headed by a director. It in turn is divided into 2 Sections: The Fitness Services Section and Sports Services Section. The Fitness Services Section is directed by a person labelled Head of Fitness Services Section. The Sport Service section was for 22 months headed by a supervisor Abigail Hoffman. She left the position in mid-1981 and it has not been filled. I was advised that during her tenure much attention was given to achieving equality for women. Since her departure somewhat less attention has been given to the subject. With the departure of Hoffman the staff of the Development Unit began to report to the Director of Sports and Fitness. The director formed an administrative team composed of 5 managers; 4 men and one woman who were employed by the 2 units.

The Sports Development Unit does not presently have a head and the Sports Program Unit has 2 heads.

It is perhaps inappropriate to distinguish between sports and recreation as is evident from the fact that sports come under the Minister's jurisdiction by virtue of his title as Minister of Recreation. Nevertheless, this distinction is maintained.

According to a brochure approved by the Minister the Sports Services Section was created:

> "to assist in identifying and establishing the place of sport in the cultural and recreational life of Ontario by the development of opportunities for the residents of Ontario to experience personal growth through participation in amateur sport activities of their choice to the level of personal interest and ability."

As appears from the chart, the Sports Services Section is divided into two separate units: the Sports Development Unit handles planning and programing for the Canada Games, the Ontario Games for the Disabled, Travelcade, Regional and Coaching Development Awards and the Elite Athlete Assistance Program. The Sports Programs Unit offers consultation and funding to provincial Sports Governing Bodies and provides the facilities of the Ontario Sport Administrative Centre ("OSAC").

A brief description of each of these services will suffice for present purposes.

Sports Development Unit

1. Travelcade

This is in essence a travelling library consisting of technical and motivational materials, sports manuals, rule

books, pamphlets, event listings and audio visual aids. This is complemented by a knowledgeable staff of sports specialists who are prepared to answer questions and hold clinics. Travelcade visits are provided mostly at the request of teachers, schools and community recreation leaders.

2. Sports Award Program

Special awards are conferred on outstanding athletes and supporters of amateur sport. These awards are conferred at the Ontario Sports Awards Banquet. Nominations of individuals or teams can be made in the following areas: championship winning athletes and approved team coaches at the provincial, national and international levels; visiting athlete's participation in competition with Ontario athletes; outstanding amateur athlete of the year; achievement or contributions by individuals other than athletes in the field of fitness and amateur sport; communities and organizing groups which conduct multi-sport, multi-province or multi-national amateur events in Ontario.

3. Coaching Development

As its name implies this is a program to promote the development of excellence in coaching in Ontario. The provincial aspects of the National Coaching Certification Program are administered through the Coaching Development Program. The National Coaching Certification Program is taught at Levels I to IV. Level I provides basic coaching information and Level IV the knowledge, technique and skills required to coach an elite athlete. The program is managed nationally by the Coaching Association of Canada. Each

province is responsible for levels I to III; levels IV and V are a federal concern.

The official primarily responsible for this program is the Provincial Coaching Coordinator. The Coordinator deals with Sports Governing Bodies and applications by them for assistance in the development of their coaches. In this regard the Coaching Coordinator works very closely with the Wintario Sports Office which is a source of funds for this program.

4. Canada Games

The unit's involvement in these national games is the selection, preparation, outfitting, transportation and administration of Ontario's team. When Ontario hosts the Canada Games the unit has further administrative responsibilities.

5. Regional Development

For the purposes of Regional Development, Ontario is divided into six regions, Northwest, Northeast, Eastern, Central West, Central East and Southeast. Each region has a representative at a local Ministry Program Office whose duty is to facilitate communication between the Ministry and sports communities in their area. The Regional Development Program is assisted through the Regional Sport Development Fund. Grants are available to SGBs for regional operations, research, planning and special events. In order to obtain funds a project is presented to a Sports Services Consultant. After negotiations approval is granted subject to the projects suitability to the objects of the regions concerned.

6. Ontario Games for the Physically Disabled

The Ontario Games for the Physically Disabled promote the growth and development of athletic activities for physically disabled people. The games are held annually and include qualifying regional games and provincial finals.

7. Elite Athlete Assistance Program

This program assists top-ranked and emerging athletes to pursue their athletic careers without undue financial hardship. An athlete approved for the program receives assistance for one year in return for a commitment to train intensively in pursuit of international excellence and national team standing.

In order to qualify the athlete must be ranked immediately below the national team. The assistance program serves as a supplement to the Canada Athlete Assistance Program with respect to Ontario athletes in sports which are included in the Commonwealth, Pan American or Olympic Games. The number of athletes assisted in each sport is negotiated between the Sports Governing Body and the Ministry. In the case of a team sport usually fifty percent of the total number of athletes comprising its full team are eligible. In the case of an individual sport fifty percent of the number of athletes allowed for a team entry to one of the international competitions is eligible.

The program is summarized by the Ministry's brochure as follows:

> "The Elite Athlete Assistance Program identifies Ontario's top-ranked and rising athletes, assists them with training and competition needs and provides the opportunity for them to achieve

national team status. As a result, the number of Ontario athletes on national teams and in international competitions is increasing."

Sport Programs Unit

8. Ontario Sport Administrative Centre

The Ontario Sport Administrative Centre ("OSAC") provides office space for the majority of the SGBs. It also provides other administrative services such as secretarial support, computer services, typesetting, etc.

9. Consultants & Funding for Sports Governing Bodies

Consultation is provided to the SGBs primarily by eight sports consultants employed by the Ministry. These individuals are each responsible for approximately one-eighth of the 72 SGBs presently registered with the Ministry. A list of these appears in Appendix 2. Funding is provided upon application by the SGBs and is described in greater detail in subsequent parts of this report.

Amateur athletic activity at the community level can be conveniently divided into:

(1) Recreational Community Athletics, and

(2) Competitive Community Athletics.

The former consists of all the individual and team sports carried on in a community using facilities provided by municipal sports and recreation committees. These activities

are organized by municipal sports recreation committees or by other private or public bodies in the community. Competitive athletics consist of teams in the community who are affiliated with a SGB. These of course are not water-tight compartments. There is some over-lap. An SGB may have a recreation committee involved in non-competitive community athletics and activity. Similarly a recreation committee may be affiliated with an SGB. Nevertheless there is a sufficiently clear distinction between them so as to require a separate study of each.

Recreational Community Athletics

It is my view that the extent of governmental control over athletic activity should be heavily influenced by the degree of public assistance provided by the government or the public.

Direct government financial assistance is provided by virtue of regulation 653, passed under the Ministry of Culture and Recreation Act. It provides a grant to Municipal Councils for a program of recreation which has been authorized by the Council in the preceding year. The Municipal Council must pass a by-law authorizing the program to be conducted and establish a Municipal Recreation Committee to conduct the program. Two members of the Committee must be members of Council. Upon the analysis of the program by the local Community Programs Consultant the grant is paid. The regulation is set out in Appendix 3, but in general it provides as follows:

A grant is paid to a municipality which has a recreation program approved by the Minister with respect to renting and maintaining buildings, land waterfronts or equipment, office

expenses, supplies and expendable equipment, advertising, publicity, salaries for a municipal recreation director and related staff. There is a ceiling placed on the amount of the grant varying with the population of the municipality. The highest amount that can be paid to a municipality is $15,000.00, which applies to municipalities with a population of 200,000 persons or more.

I was advised that the Ministry neither specifies how the money is to be spent nor requires an accounting as to how it has been spent. This is confirmed by the form of application, a copy of which is appended hereto as Appendix 4.

Apart from direct funding, recreational sports are made available through the use of such public facilities as parks, arenas, swimming pools, etc.

I was struck by the range and extent of the athletic activity carried on in this area. It ranges from the casual use of swimming pools for a Sunday afternoon swim to the use of an arena by a group of friends to organized leagues in such sports as soccer, hockey, volleyball, football, basketball and others. These team sports do not come under the administration of and are not subject to the rules of an SGB unless they wish to compete in provincial competition. As a result they enjoy considerable flexibility in determining who can participate.

This flexibility has resulted in substantial integration of competition. Particularly up to the age of 13 there are mixed teams of boys and girls and girls' teams playing against boys' teams. This development has been completely voluntary and is a tribute to the volunteers, parents,

municipal officials and others who are responsible for this activity. This is in sharp contrast to the attitude of some Sports Governing Bodies. In a recent report entitled Sex Integrated Sports for School Age Children in Ontario, prepared for the Ministry of Tourism and Recreation by Myra Schiff Consultants Limited with the cooperation of the Ontario Municipal Recreation Association, the following statement is made:

> "Despite the success of these programs at the community level, the future of integrated sports is not without its problems, primarily because of the attitudes of those who are high up in the power structure of sports. None of the provincial sport organizing bodies allow coed teams to participate in provincial championships, though most of them find coed sports acceptable at the recreational or house league level. The reasons for this distinction are unclear, though reference is usually made to the fact that competitive sport (as provincial championships are often referred to) is played harder and boys tend to be rougher under these conditions. This may have more to do with one's image of the purposes of amateur sport, what it is and what it ought to be, than with whether or not girls and boys should be allowed to play together, but that is beyond the scope of this paper. In addition, many Ontario Sports Governing Bodies pass the buck by saying that even if they want to allow coed teams in provincial championships, they are bound by the rules of national, and sometimes even international, Sports Governing Bodies."

This statement accords with the evidence presented to me.

As part of my investigation of this matter I met with representatives of the Parks and Recreation Federation of Ontario (the "PRFO"). This is a federation of the following groups:

(a) Ontario Recreation Society

(b) Society of Directors of Municipal Recreation of Ontario

(c) Ontario Parks Association

(d) Association of Aquatic Personnel of Ontario

(e) Association of Ontario Sports Administrators

(f) Ontario Municipal Recreation Association

The membership of the organizations (a) to (e) consists of professional administrators.

I was advised by representatives of the PRFO that the grants to Municipal Recreational Committees, small though they may be, are mostly channelled into sports and recreational programs which are traditionally male oriented. The PRFO attributed this to several factors: the lack of "strings attached" to the grant in the first instance; the predominance of men in most municipal recreation departments; and the understandable concern of municipal recreation directors to at least "break even" in their budgets, hence allocating more to male oriented programs which often draw a paying crowd.

In an endeavour to test the validity of this statement by the PRFO I was able to secure a copy of a study entitled "The Female in Public Recreation", a report prepared by William F. Theobald and Donna Doherty in 1976. After a study lasting over one year, rendered more difficult because the absence of

records with respect to the allocation of funding, the investigator concluded as follows:

> "Resource Allocation
>
> Although the majority of recreation administrators stated that recreation resources (facilities, staff, budget and programs) should be available equally to all, this was not found to be the practice. Males were heavily programed in physical recreation activities and females in arts and crafts activities. Most administrators did not agree with such a distinction, but their programs continued to emphasize this difference.
>
> Administrators indicated that to a large degree demand dictates resource allocation. Females traditionally have not indicated the same need, interest, or desire for recreation programs as have males. Therefore, until demand for resource allocation changes, males will continue to receive the greater share of public recreation attention."

Among the recommendations made was the following:

> "(a) Withholding grants to municipalities who discriminate against females in the provision of recreation programs and resources."

No action was taken by any government body with respect to that recommendation or to cure the imbalance. In an attempt to determine whether the situation was the same I caused a questionnaire to be circulated to a representative number of municipalities (Appendix 5). Of 23 municipalities consulted only five have replied. Of the municipalities responding three did not answer the questions relating to the allocation of money received from the province. Of the two that answered the questions relating to funding one municipality received no funding from the Ministry. The other answered that funding was allocated 70% to male activities and 30% to

female activities. With respect to questions 1 and 2 those responding indicated either that records were not kept or that a marked imbalance existed in favour of males. The same result obtained with respect to the use of facilities. Some municipalities did not answer the questionnaire but offered an explanation. In several cases meetings were held to endeavour to obtain the information.

As a result of this exercise I am driven to the conclusion that records are not kept with respect to the use of public funding and facilities and that such records as do exist demonstrate a marked imbalance in favour of males. Accordingly, I must conclude that the situation found by the investigator in 1976 remains substantially the same.

Competitive Community Athletics

Competitive community athletics are governed by the 72 SGBs each having jurisdiction over a particular sport. The Sports Governing Body consists of athletes, coaches, officials and volunteers directed by an elected executive, usually called a Board of Directors. Heavy reliance is placed on volunteers in the community to provide the required leadership. In most cases however as a result of public and other funding Sports Governing Bodies have been able to hire full-time administrative and technical staff.

Although there are currently 72 SGBs this figure may fluctuate. In order to qualify as an SGB acceptance by the Ministry of Tourism and Recreation is required. This is a two-step procedure. The first step is to gain Category I recognition. The Recognition Policy and Guidelines for Financial Support, 1982-83, of the Ministry provide for the steps to be taken in order to gain this recognition:

"CATEGORY I - (Basic Recognition Conditional Client Status)

An association with the demonstrated potential to provide new amateur sport participation opportunities may apply for recognition provided that:

1. It meets the requirements of the definition of sport.

2. It provides acceptable documentation that:

   a. it is mandated and accepts responsibility for developing, promoting and governing its activity, from recreational to competitive modes with equal access to participants of both sexes in the Province;

   b. it is duly constituted, providing for representative management of its affairs, specifically including regional representation in appropriate decision making bodies;

   c. it is financially responsible;

   d. it is affiliated with a national and/or international governing body (latter a member of GAIF) if appropriate;

   e. it can provide documentation of at least 200 individual members comprising at least 10 affiliated groups - clubs, leagues, etc., (according to its nature and structure) with competition and program activity by members in at least three of the six regions defined by the Ministry.

3. It provides a profile of the activity indicating:

   a. its rationale for application for recognition;

   b. basic organization and program plans for up to three years as developed by a majority of the members, demonstrating its growth potential;

c. participation costs, access to facilities, etc.;

d. participant characteristics - age groups, sex, level of participation (recreational to high competitive) regional location and distribution.

4. The Association must have applied for legal incorporation status (legal - incorporation as a non-profit organization) within one year of acceptance into this program."

If an association is operated in Category I for at least one year and it shows a potential to provide the range of services and activities outlined in the Guidelines for Provincial Sports Associations, it becomes eligible for full service as a client of the Ministry, contingent on the availability of Ministry consultants and financial resources for the program.

The association must be legally incorporated as a non-profit organization to be eligible for full client status. Its potential to provide services and activities as required for full client status are evaluated on the following factors:

a. financial stability and availability of self-generated funds to enable cost sharing of eligible activities, projects;

b. accountability demonstrated through acceptable financial and program reporting;

c. development of active regional affiliated groups, represented in provincial management;

d. growth in public awareness and acceptance (as evidenced by increase in membership, number of affiliated clubs, number of regions serviced, etc.);

e. eligibility and readiness to incorporate as non-profit association, if not already achieved.

Direct financial support is provided to SGBs by the Ministry. The extent of this support is indicated by the figures for the years 1982/83 and 1983/84. Of the Ministry's total Sports and Fitness Branch 1982/83 budget of $11.8 million, $4.7 million was directly allocated to the Sports Governing Bodies. The figures for 1983/84 are $11.9 million and $4.7 million.

The Guidelines set out the criteria for the receipt of funds from the Ministry. The general policy for financial support is expressed as follows:

> "Support is predicted on the sharing of overall financial responsiblity by sport organization and its members and the Ministry's program. In all cases, assistance granted will be subject to funds available in annual estimates, negotiation based on the needs and priorities of both the organization and the provincial sport development program, and requirements for results-oriented program description and adequate performance reports including audited financial statements."

Support is provided for specific program categories which are as follows:

1. Administration

2. Communications

3. Planning

4. Human Resource Development

5. Competition/Competitor Development

6. Regional Development Assistance

7. Special Development Projects

Section C of the Guidelines sets out procedures for submission, management and reporting of government funds.

The association is required to maintain accurate records of disbursement of government funds for the purposes for which they are allocated, i.e. to insure that they are expended in furtherance of the programs for which they were granted. A copy of the audited financial statement of each organization must be supplied to the Ministry following the associaton's financial year end.

It is significant that there is no requirement that any record be kept as to the allocation of the funds as between male and female athletics, nor do the Guidelines require that figures with respect to the participation by males and females be kept.

As part of my investigation I contacted all of the Sports Governing Bodies and arranged to interview representatives of the majority of them. In addition all received a comprehensive questionnaire. During the course of the interviews I attempted to obtain a breakdown with respect to the funds obtained from the province. Except where a

separate women's organization exists, as in the case of field hockey and golf, no figures were available. This is understandable in view of the fact that there is no requirement that records be kept with respect to female participation or the allocation of funds as between male and female athletics. On the other hand a number of Sports Governing Bodies had special projects with respect to female participation and figures were available for allocation of funds to such projects.

Among the questions asked in the questionnaire was the following:

> "How many females are participating in the sport (i.e. registered with the SGB in question): as athletes? coaches? members of the executive?"

Coincidentally at the time of my appointment by the Ministry of Labour, the Ministry of Tourism and Recreation had created an internal committee:

> "To ascertain the current level of women's involvement and needs and support in Ontario and specifically in the areas of administration, leadership, programs, competition, policy development and participation and to make recommendations based upon the findings."[17]

At its request I provided to this committee the results of the questionnaires. The committee was good enough to tabulate the results which appear in a schedule as Appendix 1. The figures based on 56 sports who responded show that in 1982 there was a total of 723,167 athletes participating, of which 218,126 or 30.2% were women; 40% of the coaches were women; 33.8% of the officials, 29% of the

executives, 23% of the board of directors and 54% of the full-time staff were women.[18]

Of the total budgets of the Sports Governing Bodies, in general, the government grant represents approximately 33%. In addition to the direct grant, a majority of the SGBs are provided with office space at OSAC together with ancillary services as follows: conference rooms, computer services, typesetting, graphics, reproductions, printing, addressing, mailing, administrative services and secretarial support. There is a charge-back for the use of some of the facilities. In addition the SGBs are provided consulting services by the 8 Ministry-employed consultants.

Furthermore, funds are also available via the Regional Development Program. Regional sport development is achieved through grants from the Regional Sport Development Fund for such things as regional operations, research, planning and special events. An application for a grant is submitted to a Sports Service Consultant.

Other Ministry programs which provide an indirect benefit are the Coaching Development Program, the Elite Athlete Assistance Program, the Ontario Sports Travelcade, the Sports Award Program and the Canada and Ontario Games.

The total assistance granted in the Elite Athlete Program in the 1981/82 period, according to figures compiled by Ministry staff is $177,100.00 for male athletes and $105,900.00 for female athletes, with an average payment of $932.00 for male athletes and $868.00 for female athletes. In the 1982/83 period the figures are $245,153.00 for male athletes and $154,475.00 for female athletes. The average payment for male athletes is $1,332.00 and for female athletes $1,355.00.

Athletes receiving assistance under this program are generally required to be participants in a sport included in the Summer or Winter Olympics, Commonwealth Games or Pan American Games. Athletes who participate in a sport in which international competitions are held, but which are not included in any of the latter three major international events, are not eligible. An outstanding example is women's soccer which is not a sport in any of the so-called "big three" nonetheless international competitions are held in this sport.

The relevant SGB provides the sports consultant responsible for the sport with nominations of athletes who are recommended for assistance. Nominations are to be based on "approved selection criteria that are an extension or continuation of the National Sport Governing Body's selection criteria for National Team Status".[19] There do not appear to be any criteria developed by the Ministry dealing specifically with Ontario Athletes. The staff of the Elite Athlete Assistance Program consists of one male.

Broadly speaking, a Sports Governing Body provides the administrative framework within which higher level competition can take place. Accordingly, teams wishing to compete for a provincial or regional championship or title, register with the relevant Sports Governing Body. The competitions are organized by the Sports Governing Body or an affiliate. Such competitions must comply with the constitution, by-laws and rules of the Sports Governing Body. The Sports Governing Body also provides training for coaches, clinics for athletes and other services.

The nature and range of activities of these organizations will appear in the summaries of interviews with individual Sports Governing Bodies which appear at the end of this

Chapter. In these interviews I endeavoured to obtain the following information:

(a) the nature of the organization of the SGB;

(b) the nature of its activities;

(c) the degree of participation by males and females respectively;

(d) the existence of any constitutional restrictions on the participation of either sex in a particular sport;

(e) the extent of funding received from the province;

(f) the allocation of such funding;

(g) the extent to which public facilities are used by these organizations; and

(h) the existence of any complaints about inequality.

I have appended at the end of this Chapter some summaries of a representative number of SGBs. Notwithstanding that I met with the majority of them I do not consider it useful to provide a summary with respect to each sport. I concluded that it was not my function to determine with respect to every sport in Ontario whether equality of opportunity was provided. It became apparent early in my study that some Sports Governing Bodies provided equality of opportunity while others did not. In my judgment it was not desirable to make ad hoc recommendations with respect to each sport; rather it was my task to recommend an administrative and legislative framework which would achieve equality of

opportunity. Indeed, it would not be fair to the SGBs to make a determination which resulted in the application of remedies without providing to them an opportunity to make representations somewhat more structured than my study permitted. The summaries are provided merely to illustrate my findings and are not intended to be binding in any way so far as the application of the remedies recommended herein are concerned.

The summaries include examples of SGBs:

(1) which provide equality of opportunity;

(2) which apparently do not provide equality of opportunity at present and do not propose to do so;

(3) which do not provide equal opportunity at present but which have implemented positive programs which eventually may result in equality of opportunity; and

(4) in which there were isolated examples of discrimination although, generally, equality of opportunity is provided.

SUMMARY OF SPORTS GOVERNING BODIES

1. Sports Where Equality of Opportunity is Provided

ARCHERY

The Ontario Association of Archers (the "OAA") is composed of approximately 30 member clubs, each of which pays a $25.00

affiliation fee in order to participate in OAA events and competitions. The OAA has a Board of Directors of 25, 5 of whom are women. The OAA has an office in the Group Sports Office at OSAC. The Group Sports Office is administered by a full-time staff of 3, one of whom is a woman.

There are approximately 350 individual archers registered with the OAA, 140 of whom are women. Most of the OAA competitions are integrated but a women's and men's champion are separately declared. The categories of competition are Cadet (12 and under), Junior (17 years and under), Senior (over 17). Tournaments organized by the OAA include indoor and outdoor field competitions as well as "Mail" competitions (archers set up and shoot targets in their own backyards and mail their scores to the OAA for tabulation).

Canada's National Team is composed equally of males and females; 3 men and 3 women.

The OAA partakes in the Provincial Elite Athlete Assistance Program and, in the past five years, of a total of 15 recipients, only one has been a male.

In addition to scheduling tournaments, the OAA offers an intensive youth development program.

Of the 71 coaches registered with the association, 18 are women. Three of the 15 officials are women.

In the winter, this group uses public facilities such as municipal recreation centres and high schools. In the summer, while public facilities are generally used, more club-owned, private facilities are available.

In 1982/82, the organization's budget was $30,815.00, $19,875.00 of which was provided by the provincial government by way of a base grant. In 1983/84, the OAA's budget was $46,268.00, of which $21,300.00 was provided by the province.

There is no rule in the OAA's constitution or rule book prohibiting integrated play. No complaints of discrimination on the basis of sex have been made to the OAA.

BASKETBALL

The Ontario Amateur Basketball Association (the "OABA") is the umbrella group for men's and women's basketball in the province. At present, all members of the OABA Board of Directors are men. Representatives of the OABA explained that they would welcome women on the Board but none has thus far demonstrated a desire to join. I accepted this explanation. The OABA has a full-time staff of 2, 1 of whom is a woman.

Of the 950 athletes registered with the OABA in 1982, 475 were women. The OABA provides competitions for male and female teams in various age categories from 12 years of age through to the adult level. Provincial championships are held in each category. Teams in these categories are segregated by sex, however, the OABA provides a special, under 12 years old or "mini" division which is an open category; teams may be all-girls, all-boys or coed. Of the 8 teams which participated in the spring of 1982, 2 were girls' teams and several teams were integrated. There is a general consensus in the OABA that basketball should be integrated at the younger levels of competition. The OABA also offers developmental programs which are open equally to

both sexes. The most impressive of these is the junior grass roots program for players under 17 years old. Each spring, the OABA runs a series of approximately 70 clinics throughout the province and, from these clinics, 6 girls' and 6 boys' regional teams are selected. These teams proceed to a central training program and then to a 3 day tournament. This junior development program has been used as a model by basketball organizations in other provinces and in the State of New York as well as by other Ontario SGBs.

Of the 600 basketball coaches registered with the OABA, approximately 50% are women. Of the OABA's 900 officials only 12% are women, however, the organization is seeking to redress this imbalance.

For the most part, the OABA uses publicly-funded facilities such as school gyms, municipal recreation centres and university gyms. In 1982/83, the province granted the OABA approximately $20,000.00 for the operation of a provincial training centre.

In 1982/83, the organization's budget was $213,859.00 of which $95,771.00 was a base grant from the provincial government. In 1983/84, the budget will be $210,369.00, $97,661.00 of which will be provided by way of a provincial grant. In 1982/83, $17,500.00 was provided by the provincial government for Elite Athlete Assistance. This funding was divided equally amongst the 6 males and 6 females chosen to participate.

The OABA constitution and rule book do not contain any specific rules prohibiting females from registering with male teams or vice-versa. The organization advises it has never received any complaints of discrimination on the basis of sex.

EQUESTRIAN

The Ontario Equestrian Federation (the "Federation") is composed of a number of equine or equestrian associations including, for example, The American Saddle Horse Association of Ontario, The Ontario Quarter Horse Association and The Ontario Horse Trails Association. The Federation's Board of Directors consists of 23 members, 6 of whom are women. Of the 14 member Executive, 2 are female. All of the 3 full-time staff members are women.

Of the 1,800 riders registered with the various associations belonging to the Federation, 1,080 are women.

Categories of equestrian competition are English (e.g. dressage and jumper classes), Western (e.g. gymkanas, trail riding), Rodeo and other (e.g. hunter, pleasure and driving classes). All competitions are integrated except those few which are designated as "Ladies" or "Gentlemen" only classes, e.g. certain driving classes. Segregation within events is generally based on age and experience (of either the horse or rider) and the breed of the horse.

Of the 300 coaches registered with the Federation's member associations, 180 are female. Of the 200 officials, 120 are women.

Approximately 50% of the facilities used for competitions are public e.g. conservation areas, local fair grounds and stadiums. The remaining 50% of the facilities are private clubs which are generally open to the public on competition days.

In 1982/83, the Federation's budget was $144,076.00. Of this sum, $76,021.00 was provided by the provincial government by

way of a base grant. In 1983/84, the budget will be $133,311.00, $70,546.00 of which will be provided by the provincial government as a base grant.

There are no provisions in the constitution or rule book relating to integrated competition, however, "Ladies' Driving" is an event for women only. There is no parallel men's event. The only complaint of discrimination made to the Federation has been that, at the Olympic level, men are more substantially sponsored by private corporations than are women. However, this particular issue has not been raised lately.

FIELD HOCKEY

On April 1st, 1981, the Ontario Women's Field Hockey Association (the "OWFHA") was amalgamated with the Ontario Field Hockey Association (the "OFHA") i.e. the men's field hockey association. The resulting umbrella group is Field Hockey Ontario ("FHO"). While the amalgamation was encouraged by the Ministry for administrative purposes, the women's association was somewhat reluctant. The OWFHA was apparently more technically advanced than the men's association and, therefore, its representatives felt it had little advantage to gain through the amalgamation.

The FHO Board of Directors is composed of 7 members; 2 are appointed by the men's association, 2 by the women's association and the balance by both associations voting together. At present, the FHO Board is composed of 3 women and 4 men.

WOMEN'S

All of the approximately 2,500 athletes registered with the OWFHA are women. Provincial competitions are held in the

following age divisions: under 17, under 19, under 23 and Senior (ability-based category). The association's corporate sponsor, Carling/O'Keefe, funds indoor and outdoor tournaments.

A variety of developmental opportunities exist for women. Among them is an Elite Program, a program for school girls (directed by school boards in cooperation with the OWFHA) and an indoor field hockey program.

In 1982, 200 of the 210 coaches registered with the OWFHA were women. Of the 115 officials affiliated with the OWFHA, 60 were women.

All of the facilities used by the association are publicly subsidized.

In 1982/83,the budget of the FHO (the umbrella group) was $140,198.00 of which $92,426.00 was provided by way of a base grant from the provincial government. FHO representatives advised that, from its budget, the FHO provided the women's association with approximately $28,000.00 and the men's with approximately $13,000.00. The balance of the budget was used by the umbrella group for administrative purposes (e.g. salaries for staff).

In addition to moneys received from the province through the FHO, the women's group received approximately $79,500.00 from the provincial government for coaching. While this grant was provided to the women's group only, the men's group benefited through its association with the OWFHA under the FHO. Wintario also provides funds for pilot projects (e.g. indoor field hockey), for championships and for developmental programs.

To date, there have been no complaints of discrimination on the basis of sex. Neither the constitution nor the rule book of the association contain any explicit rule prohibiting registration by men but this is implicit in the designation of the association as the "Women's" field hockey association.

MEN'S

All of the 1,100 athletes registered with the OFHA are men. The association sponsers a series of provincial and club championships. The age divisions are as follows: under 17, under 19, under 23 and Senior (ability-based category).

Of the 30 coaches registered with the association, all are male and, of the 45 officials, 3 are women. All facilities used by the association are publicly subsidized, e.g. playing fields in parks and schools.

For information relating to the funding of the OFHA, reference should be made to the above section relating to women's field hockey.

The OFHA has received no complaints of discrimination on the basis of sex. There are no constitutional provisions which prohibit integrated play.

FIGURE SKATING

The Ontario Council of the Canadian Figure Skating Association (the "Skating Council") has a Board of Directors of 14, 4 of whom are female. There is a full-time staff of 2; both employees are female.

Of the 52,672 athletes registered with the Skating Council, 42,150 are female. Competitions organized by the Skating Council are divided into the following categories: Juvenile (under 12), Pre-Novice (under 14), Novice (under 16), Junior and Senior. The latter two categories are based on ability rather than age. Before an individual competes in any category, he or she must pass certain tests. While Juvenile and Pre-Novice competitions are regional only, the Novice, Junior and Senior divisions have provincial and national competitions. There are 4 areas of competition within each of the above categories: women's singles, men's singles, dance pairs and free pairs. All competition is segregated apart from dance and free skating pairs.

Of the facilities used by the Skating Council, 98% are public. Generally, public facilities are preferred because private facilities do not have adequate viewing areas. Municipal and university arenas are among the facilities used.

There are 1,608 coaches connected with the Skating Council; 1,358 are female. Of the 5,000 officials registered with the Skating Council, 3,250 are female.

In 1982/83, the Skating Council's budget was $246,601.00. $104,047.00 was provided by way of a provincial grant. In 1983/84, a total budget of $125,762.00 is predicted, $106,047.00 of which will be provincially funded.

The rules contained in the Canadian Figure Skating Association Rule Book (applied by the Skating Council) provided that girls' free skating programs are to be shorter than boy's. The rationale for this is apparently that a boy's strength and stamina are superior to that of a girl.

The only complaint of discrimination received by the Skating Council is with respect to Rule 4402: "Partners for Dance Tests: (a) a couple shall be composed of a lady and gentlemen ...". This rule also applies to free pair tests. It apparently causes difficulty in some remote areas of Northern Ontario, where there are few male skaters. This is said to hinder girls because substantial delays occur in attempting to find male partners for the test. The only exceptions to this rule (i.e. a female skater may be partnered by another lady skating the gentleman's steps) is in connection with the lower dance (not pairs) test levels (i.e. preliminary, junior bronze and senior bronze).

SHOOTING

The Ontario Council of Shooters (the "Council") is the umbrella group which embraces the following associations: The Ontario Handgun Association, The Ontario Smallbore Association, The Ontario Trap Shooting Association, The Ontario Skeet Shooting Association, The Ontario Muzzle Loading Association, The Ontario College and Universities Shooting Association, The Ontario Arms Collectors Association, The Ontario Rifle Association and The Ontario Police Revolver Association. Each association selects representatives to act on its behalf at the Council level. Twenty percent of the members of the Council's Board of Directors are women.

There are between 10,000 and 11,000 individual shooters associated with the Council through its various member associations. Two thousand of these individuals are female. Age divisions and competitions vary from association to association but, generally, the categories are Junior (18 and under) and Open. Some associations have a Sub-junior

category and a Masters category (40 and over). Age apparently is not a critical factor in this sport. Most of the competitions are integrated.

Most of the officials and coaches associated with the Council are male although the female contingent is increasing.

There are very few public shooting facilities available beyond a few municipal and university ranges such as that located at the University of Toronto's Hart House. The majority of the facilities are privately-owned, club-operated ranges.

In 1982/83, the Council's total budget was $108,755.00. Of this amount, $30,540.00 was provided by way of a provincial base grant. In 1983/84, the predicted budget is $170,000.00, $29,040.00 of which will be provided by the province.

There are no complaints of denial of equal opportunity. The Council advises that there are no constitutional provisions prohibiting integrated competition.

SKIING

The Ontario Ski Council (the "Ski Council") is the umbrella group for the Ontario branches of the Canadian Ski Association, the Canadian Ski Patrol Association, the Canadian Ski Instructors' Alliance and the Canadian Association of Nordic Ski Instructors. Also included under the umbrella are the Ontario Ski Resorts Association and the Ontario Handicapped Skiers' Association. The Ski Council advises that approximately 7% of the members of its Board of Directors are women. Four percent of the Executive are women and 5% of the full-time staff members are women.

For the most part, competitions offered by the associations belonging to the Ski Council are segregated. There are, however, some integrated competitions e.g. The Grand Marnier Challenge organized by the Canadian Ski Instructors' Alliance and the Canadian Ski Association. The prizes are awarded in this competition to the top three skiers regardless of sex. Males apparently have fared better in this competition than females although the latter have registered no complaints.

In alpine skiing within the Nancy Greene League (up to 14 years old), there is a great deal of integrated competition. Boys and girls are considered to be at the same level of physical development and they race together as a team. In cross country skiing, the Shell Jackrabbit League provides some integrated developmental programs for children from ages 8 to 13.

According to Ski Council representatives, opportunity to participate in recreational as well as competitive skiing in Ontario exists equally for both sexes. Based on the participation figures provided by the Ski Council, the sport of skiing is one in which males and females participate in equal numbers. The ratio changes, however, at the coaching, instructor and administrative levels. Only about 10% of the racing coaches are women as are about 35% of the instructors. In addition, there are very few females who reach the advanced instructor levels i.e. levels III and IV. In the 1981/82 ski season, of the 322 level III instructors, only 26 were women and, of the 32 level IV instructors, only 2 were women.

Several programs have been created specifically for women including The Colgate/Palmolive XC Race Series and "Women's Way", a week-long seminar on downhill skiing for women.

Approximately 60% of the ski facilities used by members of the Ski Council are public; 40% are private.

In 1982/83, the Ski Council's budget was $1,660,186.00. Of this sum, $401,000.00 was a provincial base grant. In 1983/84, the projected budget is $2,187,576.00, $406,576.00 of which will be furnished by the provincial government by way of a base grant.

The only complaint of discrimination received by the Ski Council is that, at the national level, men are receiving more government support for their programs than are women. There are no constitutional provisions which prohibit integrated competition.

SWIMMING

The Ontario Section of the Canadian Amateur Swimming Association (the "Ontario Section") is divided into 6 regions throughout the Province. Approximately 85 to 90 swim clubs throughout these regions are affiliated with the Ontario Section. Of the athletes registered with this SGB over 50% are female. All 15 members of the Board of Directors are men and all 6 members of the Fxecutive are men. One small balancing factor is that 5 of the 8 full-time staff members are women.

Each region supervises its own developmental programs and competitions. The categories for provincial competition are: 10 and under, 11 and 12, 13 and 14, 15 to 18 and Open. Males and females have parallel events and age groups but none of the competition is integrated. Generally, girls are stronger and dominate boys at a younger age. This situation apparently reverses itself at about 13 or 14 years of age.

Of the 4,550 swimmers registered with the Ontario Section, approximately 57% (2,603) are female. Fifty-three of the 265 coaches and 962 of the 2402 officials are women. Most of the facilities used by the Ontario Section are public although some use is made of pools in private clubs.

The Ontario Section's budget in 1982/83 was $394,083.00. Of this sum, $242,588.00 was a base grant from the provincial government. In 1983/84, the total budget is expected to be $442,000.00, $246,934.00 of which will be a provincial base grant.

No complaints of discrimination on the basis of sex have been lodged with the Ontario Section. There is no constitutional provision prohibiting integrated competition, however, Rule 4.8 of the Canadian National Swimming Association's Rule Book provides that:

> "Mixed competitions are not permitted under CASA or PS sanction except:
>
> (a) In long distance races in Open Water, when two distinct starts shall be made, one for each sex, allowing a definite interval of time between starts. In such races the finishing order of male and female contestants will be recorded as two distinct races. Separate prizes will be awarded for each sex. ...
>
> (b) Mixed relay teams are permitted provided that competing teams have like numbers of each sex and that males compete against males and females against females. Such races are classes as "Novelty Events".
>
> (c) In Class Two Time Trials ..."

SYNCHRONIZED SWIMMING

The Ontario Amateur Synchronized Swimming Association ("Synchro Ontario") has a 14 member Board of Directors, all of whom are women. In addition, both of its full-time staff members are female.

Of the approximately 2,400 swimmers, 2,160 are female. Competition is organized into the following age divisions: 12 and under, Junior (11 to 14), Intermediate (13 and over, based on placings in Junior and Senior) and Senior (15 and over). Many invitational meets for children under 10 years old are held throughout the province on a regional basis. Competition is integrated although very few boys participate. Generally, parents are not keen on having their young boys competing in what is considered a very feminine sport.

The majority of coaches and officials in this orqanization are women: 900 of the 1,000 coaches and 157 of the 160 officials are women. In provincial competition, 50% of the facilities used are private and 50% are public.

In 1982/83, Synchro Ontario's budget was $80,931.00. Of this sum, $60,545.00 was provided by way of a base grant from the provincial government. In 1983/84, the budget is expected to be $158,458.00, $62,245.00 of which will be provincially funded.

There are no provisions in the constitution or rule book prohibiting integrated competition; in fact, boys are encouraged to participate but interest is still very low. Synchro Ontario has never received a complaint of discrimination on the basis of sex.

TENNIS

The Ontario Tennis Association (the "OTA") is the umbrella group for approximately 18 clubs throughout the province. Adult members (over 18) pay an annual fee of $4.00 and register with member clubs. The junior members (18 and under) pay an annual fee of $12.00 and register directly with the OTA. The Board of Directors consists of 36 members, 6 of whom are women. The full-time staff consists of 3 males and 1 female.

Of the 40,000 athletes participating in OTA events, 18,000 are women. About 100 tournaments are held annually throughout the province. The following are the various categories of competition: Junior (under 12, under 14, under 16 and under 18 divisions), Intermediate (amateurs who like to compete), Class A (a class somewhere between amateur and professional), Open (juniors or adults), Senior (over 35, over 45 and over 55 divisions). All competitions are segregated on the basis of sex except mixed doubles.

The OTA has created a program at Seneca College to encourage participation by young girls. It involves 6 girls under 14 who attend school at Seneca and receive 6 hours of daily coaching. The program is designed to produce top-seeded female players who will attract other females to the competitive side of the game.

Of the OTA's 700 coaches, 200 are women. Fifty percent of the OTA officials are women. Of the facilities used by the OTA, 60% are public and 40% are private. Generally, tournaments are held at private clubs where the courts are said to be in better condition than public courts.

In 1982/83, the OTA's budget was $164,240.00, $104,911.00 of which was a provincial base grant. In 1983/84, the budget

will be $216,754.00, of which $108,446.00 will be a base grant.

The only complaint received by the OTA is that there are not enough competitions for women. The OTA advises that it would gladly respond to this complaint but feels that there simply not enough female participants to justify additional competitions. The OTA constitution prohibits integrated competitions except in the case of mixed doubles. No complaints have arisen in connection with this prohibition; women seem to prefer to play against other women.

2. Sports Where Equality of Opportunity Apparently is Not Provided

BASEBALL

According to one of its past presidents, the Ontario Baseball Association (the "OBA") is composed of 13 regional associations. Each association has its own Executive Committee and appoints an individual to represent it on the OBA Board of Directors. In addition to these 13 representatives, 8 other individuals are elected to sit on the Board. Only 1 of the elected members is a woman. The OBA's only full-time employee is a female secretary.

There are 11,000 athletes associated with the OBA, only 100 of whom are female. There are no separate teams or leagues for girls. Therefore, the provincial championships are for boys' teams exclusively. The categories of competition are: Tyke (8 to 10), Peewee (11 and 12), Bantam (13 and 14), Midget (15 and 16), Juvenile (17 and 18), Junior (19 and 20), Senior (20 and over). The OBA advises that several girls do play on the boys' teams at the younger ages.

Fifty of the 1,200 OBA coaches are women. Of the 1,800 officials associated with the OBA, 10 are women. All the facilities used by the association are publicly funded.

The OBA's budget for 1982/83 was $69,480.00. Of this amount, $21,000.00 was contributed by the provincial government as a base grant. In 1983/84, the budget will be $113,500.00, $30,800.00 of which will be a provincial grant.

According to the OBA, there has never been a complaint of discrimination on the basis of sex. There are no restrictions in the constitution or rule book relating to integrated competition. The OBA explains that the lack of female athletes is a result of the fact that girls prefer softball to baseball. No effort has been made to encourage girls to participate in the sport of baseball whether it be on segregated or mixed teams.

BOXING

Boxing Ontario is composed of approximately 70 member clubs. Most athletes are affiliated indirectly with the association through these member clubs, although some individuals belong directly to the association. The 15 member Board of Directors is all male as is the Executive Committee of 8 members.

A total of 650 athletes belong directly or indirectly to the association; none of these athletes are women. In addition to provincial championships, various other tournaments are held e.g. the Labatt's Golden Gloves tournament. At the provincial level of competition, the age classifications are: Junior (15 and 16), Intermediate (17 to 19) and Senior (20 and over).

All 150 coaches registered with Boxing Ontario are men. The only female representation in the sport is in the area of officiating: 10 of the 1,800 officials are women. All facilities used by Boxing Ontario are public.

In 1982/83, Boxing Ontario's budget was $66,300.00. Of this sum $42,400.00 was a base grant provided by the Province. In 1983/84, the budget will be $106,500.00, $65,800.00 of which will be provincially funded.

Women are prohibited from boxing by virtue of regulations made pursuant to The Athletics Control Act (Ontario). Section 4(2) of Regulation 65 prohibits the licensing of women to box or wrestle in an amateur or professional bout. This Task Force was approached by a Ms. Suzanne Hotchkiss with a complaint regarding these regulations. She wishes to box but has been denied a licence; both amateur and professional. She submitted her complaint not only to the Task Force but to Boxing Ontario.

HOCKEY

The organization of amateur hockey in Ontario is somewhat complex. Men's hockey, essentially, is organized under 3 branches of the Canadian Amateur Hockey Association (the "CAHA"): The Ontario Hockey Association, (the "OHA"), the Ottawa District Hockey Association (the "ODHA") and the Thunder Bay Amateur Hockey Association (the "TBAHA").

Under the umbrella of the first branch (i.e. the OHA) there are the following four associations: the Ontario Minor Hockey Association (the "OMHA"), the Metro Toronto Hockey League (the "MTHL"), the Northern Ontario Hockey Association (the "NOHA") and the Ontario Women's Hockey Association (the

"OWHA"). The relationship of this last group, the OWHA, to the OHA and the CAHA is further discussed under the subheading Women's Hockey.

In addition to the above groups, there exists an organization created to provide developmental and educational programs to its various member hockey associations. Members of this organization, Hockey Ontario Development Committee ("HODC"), are as follows: the ODHA and the TBAHA (i.e. 2 of the 3 provincial branches of the CAHA), the ODHA minor hockey association, the NOHA and the OWHA. It should be noted that, while the third provincial branch of the CAHA (i.e. the OHA) is not a member of HODC, two groups under the OHA umbrella are HODC members (i.e. the NOHA and the OWHA).

The only 2 groups which receive direct provincial funding are the HODC and the OWHA. The Ministry of Tourism and Recreation does not, however, consider the latter technically to be a provincial sport governing body.

At the national level, in addition to various provincial branches, there are several hockey councils under the CAHA umbrella: the minor hockey council, the junior hockey council, the intermediate/senior council, the hockey development council and the women's hockey council. A representative of each of the five councils sits on the CAHA Board which also includes 6 officers and the 12 CAHA provincial branch presidents. Therefore, at the national level, on a Board of Directors of 23, women's hockey has only 1 vote.

Men's Hockey

There are approximately 150,000 male hockey players registered with the OHA alone. (Additional male players are registered with the ODHA and the TBAHA).

Men's hockey competition is organized into the following age divisions: Tyke (under 8), Atom (9 and 10), Peewee (11 and 12), Bantam (13 and 14), Midget (15 and 16, Juvenile (17 and 18), Junior (20 and under), Intermediate (open) and Senior (open). The Intermediate and Senior divisions are further divided into ability-based categories, that is: "A", "B", "C" and "D".

All facilities used by the OHA are public.

The OHA advises that it does not receive any direct provincial funding. The other two branches of the CAHA (i.e. the ODHA and the TBAHA), however, do receive provincial funding indirectly through their membership in HODC. In 1982/83, HODC received a provincial base grant of $290,000.00 (its total budget was $599,080.00).

The only formal complaint of discrimination lodged against a men's hockey association was that of Gail Cummings referred to in the Introduction. While some females may be playing on male teams at the house league level, the OHA does not generally encourage integrated play. In fact, the OHA advises that its constitution prohibits girls from participating on competitive (as opposed to recreational, house league) boy's hockey teams.

Women's Hockey

The OWHA was created in 1975. Initially, the CAHA had required that, in order for the OWHA to avail itself of CAHA programs and to obtain CAHA sanction of national and international women's hockey tournaments, the OWHA had to become affiliated with each of the three Ontario branches of the CAHA (that is, the homogeneous, province-based women's group was to fragment itself into three separate groups each corresponding with the three men's hockey groups).

After much debate, it was finally agreed that affiliation with the OHA only (and not in addition to the ODHA and the TBAHA) would be acceptable to the CAHA. Such affiliation took place in the fall of 1982.

All of the approximately 5,000 hockey players registered with the OWHA are women. In 1982, there were 246 teams participating in the various leagues throughout the province. Competition is organized into the following divisions: Atom (10 and under); Peewee 'A', 'B' and 'C' (12 and under); Bantam 'A', 'B' and 'C' (14 and under); Midget 'A' and 'B' (16 and under); Intermediate 'A', 'B' and 'C' (19 and under); Senior 'A', 'B', 'C' and 'D' (open).

In 1982/83, the HODC began for the first time to provide various developmental programs for women including coaching certification programs and clinics in goaltending, skating officiating and training.

There are 246 OWHA coaches, 20 of whom are women. Of the approximately 300 OWHA officials, 25 are women. All facilities used by the OWHA are public.

In 1982/83, the OWHA's budget was $16,262.00 of which $7,000.00 was provided by way of a base grant from the province. In 1983/84, it is predicted that the OWHA's budget and base grant will be the same as in 1982/83.

While the OWHA recognizes that the sport of women's hockey is still at the developmental stages, some of its representatives feel that the organization and women hockey players in general are being unfairly treated (in comparison with their male counterparts) by the municipal recreation directors and arena managers responsible for allocating ice,

by the media and by male hockey organizations. In addition, OWHA advises that, at the university and community colleqe level, great financial restraints are placed on women's hockey.

As in the sport of softball (see heading Softball), the women's hockey group is also experiencing difficulty with male officiating. According to representatives of the OWHA, male officials are paid the same amount to referee girls' hockey games as they are boys' games but they do not treat the former's games seriously and, as a result, are often out of position and fail to officiate properly.

In connection with the matter of integrated hockey, both the OHA and a senior representative of the CAHA feel that women's hockey, in order to develop properly, should not be integrated. The OWHA itself takes a similar position. However, its representatives have stated that, in the case of hockey for young children (which is theoretically non-contact hockey), a girl living in an area in which an all-girl's team is not provided should be permitted to try out and play on a boys's team. Of the 33 women's teams responding to a recent OWHA survey (the total number of OWHA registered teams at the time was 246) on this question and others relating to equal opportunity for women hockey players, the majority approved of this limited form of integration. However, there are examples of integrated play operating quite smoothly in cases where all girls' teams are available. In Stoney Creek, a girls' team is currently playing within a boys' house league at the 9 and 10 year old level. We have been advised that the girls' team is faring well.

The OWHA constitution contains no provisions which would prevent a male from participating on an OWHA team.

RINGETTE

The Ontario Ringette Association (the"ORA") is the umbrella group for a number of community ringette associations such as those located in Kitchener, Waterloo etc.

The ORA Board of Directors consists of 10 members, 4 of whom are women. Of the ORA's full-time staff of 5, 4 are women.

Approximately 7,000 athletes are registered with the ORA. All are female. Each of the member community associations has a house league system and, in some cases, intra-city leagues. Competitions are organized in the following categories: Bunnies (8 and under), Petite (10 and under), Tween (12 and under), Belle (17 and under), Deb (18 and over) and Ladies (20 and over). Provincial championships are held each March in the foregoing categories.

Of the 500 ORA coaches, 250 are women. Only 165 of the 660 officials are women.

In 1982/83, the ORA's budget was $163,899.00, $85,000.00 of which was a provincial base grant. In 1983/84, the budget was $325,974.00, $86,196.00 of which was provided by way of a provincial base grant. All arenas used by the ORA are publicly subsidized.

The ORA constitution does not contain any rules prohibiting males from participating. However, at present, only 2 boys are reportedly participating and they are doing so only at the house league level. No males are participating at the provincial level of competition. To date, there have been no complaints of discrimination.

This sport is included in this category along with hockey because it is intended to provide an opportunity for girls to play a sport that substitutes for hockey. It is, therefore, structured as a sport exclusively for girls.

FOOTBALL

The Ontario Amateur Football Association (the "OAFA") is the SGB for amateur football in the province. The Board of Directors is made up of 25 members only 1 of whom is a woman. The full-time staff consists of 2 males and 1 female.

There are 15,765 athletes registered with the OAFA, 225 of whom are female.

The OAFA advises that, while no girls are playing tackle football in the province, there are 2 girls' and senior women's touch football leagues in Northern Ontario and one in Hamilton. In addition, there are senior women's flag football teams in Toronto and Ottawa. Apparently, very little funding is available for touch football in general and no separate funding for ladies' touch football specifically. Despite the existence of the women's leagues in Northern Ontario and Hamilton as well as the increasing interest of females in football as clearly demonstrated by the large number of girls who registered in the OAFA's football clinic in Hamilton in 1980 (30% of those enrolled were females), representatives of the OAFA still maintain that there is not a sufficient amount of interest to create a women's provincial touch football league or association.

Only 15 of the 735 coaches associated with the OAFA are women. All 300 officials are men. For the most part, facilities used by the OAFA are public. However, it may be

said that some private facilities are used because a number of boys' private schools are associated with, although not members of, certain OAFA leagues.

In 1982/83, the OAFA's budget was $233,151.00. Of this sum, $105,500.00 was provided by the provincial government by way of a base grant. In 1983/84, the budget will be $384,340.00, $107,200.00 of which will be provided by the province as a base grant.

There are no provisions in the constitution or rule book which prohibit integrated competition. According to OAFA representatives, girls are allowed to compete with boys if they show an interest. The only complaints to the OAFA are those from parents who oppose integrated competition. In addition, a senior OAFA representative advised that, if tackle football becomes integrated, many teams will collapse because male players and coaches would no longer be willing to participate.

JUDO

There are no women on Judo Ontario's 10 member Board of Directors. The association's one full-time staff member is also a male. Of the approximately 1,000 registered athletes, 300 are female. Competitions organized by Judo Ontario are sex-segregated and divided into the following age categories: Juvenile (13, 14 and 15), Junior (under 16), Junior International (16, 17, 18 year old boys only) and Senior (16 and over). Within these age groups, further division is made on the basis of weight and ability (belt colour indicates level of ability: white belt is lowest, black belt is highest).

Judo Ontario reports that it has several programs designed to develop participation by women including special training sessions for women.

Of the 150 registered coaches, 15 are women. Of the 100 officials, 25 are women. Of the facilities used by Judo Ontario, 50% are private and 50% are public (i.e. high schools, universities).

In 1982/83, Judo Ontario's budget was $218,492.00. Of this sum, $83,866.00 was a base grant provided by the province. In 1983/84, the budget will be $225,395.00, $85,116.00 of which will be provided by way of a base grant.

There have been a number of complaints lodged by female judokas and officials. The major complaints are that women's judo, particularly at the national level, is not funded as well as men's judo and that there are an insufficient number of competitive opportunites for women. In a report dated April 23/ 24, 1983, the Vice-President of Judo Canada reported, inter alia, that the men's national team received $140,000.00 in 1982/83 and the women's only $15,000.00. In addition, he reported that the federal grant for the women's national team was down by 50%. Apparently, Sports Canada provides men's judo with more funding because that sport, unlike women's judo is an Olympic event.

Judo Ontario has no specific rule prohibiting integrated competition.

SOFTBALL

Softball Ontario is the umbrella organization for the following three Ontario softball associations: The Ontario

Amateur Softball Association (the "OASA"), The Provincial Women's Softball Association (the "PWSA"), and the Ontario Rural Softball Association (the "ORSA").

In 1982/83, Softball Ontario's budget was $194,602.00 of which $89,560.00 was a provincial grant. In 1983/84, the projected budget is $205,135.00, of which $91,210.00 will be provided by the Province by way of a base grant. Softball Ontario provides each of its three member associations with funds from its budget. In 1983/84, the allocation of the base grant of $91,210.00 will be as follows:

PWSA	-	$ 8,640.00
OASA	-	10,260.00
ORSA	-	6,000.00
Softball Ontario	-	$66,310.00
		$91,210.00

I have included Softball under this heading (No. 2) primarily because of the lack of equal opportunity provided by the ORSA, the rural softball association. While parallel opportunities to participate are offered to males by the OASA and to females by the PWSA, where the ORSA is the only association providing teams in rural areas, females may be excluded. This is due to the fact that, although the ORSA's mandate is to provide teams for both sexes (unlike the OASA which provides teams for males and the PWSA which provides teams for females only), in certain rural areas where only a boys' ORSA team is available, girls are generally not permitted to try out or to play on that team. I have noted that the ORSA is attempting to redress the situation by providing more girls' teams in various rural areas which now have boys' teams.

Women's Softball

The PWSA is composed of single team affiliates. In 1982, 286 teams were registered with the association. Twelve of its 20 member Board of Directors are women. All 4,000 athletes registered with the PWSA are female.

The competitions organized by the association are divided into the following age categories: Squirt (11 and under), Novice (13 and under), Bantam (15 and under), Midget (17 and under), Junior (20 and under), Senior (an open category divided into two tiers based on ability), Intermediate (open) and Slow-Pitch (open).

There are approximately 650 coaches associated with the PWSA, about 50% of whom are women. Softball Ontario, the umbrella organization, provides the PWSA with officials for its various competitions. Facilities used by the association are public.

The major complaint expressed by the association is with respect to the low calibre of officials provided by Softball Ontario for women's softball games. A senior PWSA representative advised that, in a case where both a men's and a women's tournament are being held, the male officials prefer to officiate the men's tournament. Representatives of the PWSA feel that, generally, officials do not treat women's games as seriously as men's. Another complaint is with respect to private sponsors. PWSA representatives advised that a certain corporate sponsor at a recent tournament supplied all the softballs for the men's teams but refused to do the same for the women's. The PWSA players saw this as a clear example of discrimination based on sex, particularly having regard to the fact that, according to the PWSA, the

gate receipts from women's games are as high as those from men's.

There are no restrictions in the constitution or rule book prohibiting integrated play; in fact, there is a provision permitting integration where requested by individual players in a particular instance. However, the association generally does not encourage integrated play. The philosophy of the association is to foster open "all-girl" play as opposed to girls playing on boys' teams. The President of the association feels that integration would destroy the development of the sport for women. She feels that, while softball is considered a "non-contact" sport, there tends to be a great deal of contact and, in integrated competition, girls would risk being injured. Furthermore, at the pre-pubescent level, integrated competition would be unfair, according to the PWSA President, because the girls are stronger than the boys. The PWSA is also concerned that, if the association pushes to have girls play on boys' teams, the mens' softball association and mens' teams would respond with a move to have boys on girls' teams.

Men's Softball

The OASA has an Executive of 25 members all of whom are men.

The total number of athletes in the OASA is 7,889; all of these players are male. Competitions are held in the following age categories: Senior (open), Intermediate (open), Junior (under 21), Juvenile (under 20), Midget (under 18), Bantam (under 16), Peewee (under 14), Squirt (under 12), Mite (under 10).

Of the 1,187 coaches and managers working with OASA teams, 46 are women. All officials are provided by the umbrella

group, Softball Ontario. All facilities used by the OASA are publicly funded.

There are no provisions in either the OASA constitution or rule book prohibiting integration, however as a matter of very firm policy, females are not permitted to play on OASA teams. The OASA feels justified in restricting participation to men only because a parallel provincial association exists for participation by women exclusively i.e. the PWSA.

Rural

The ORSA is the third organization under the umbrella of Softball Ontario. It provides sex-segregated competition for male and female softball teams in rural areas throughout the province with a population of less than 6,000.

There are no women on the 20 member ORSA Board of Directors, although, according to ORSA representatives, approximately 28% of the executives at the regional and club levels are female.

There are 6,180 softball players registered with the ORSA, 2,220 of whom are female. Provincial competitions for males only are offered in the following age divisions: Men's Intermediate (open), Junior (under 21), Midget (under 18), Bantam (under 16), Peewee (under 14), Squirt (under 12), Atom (under 10) and T-ball (under 10). The ladies' and girls' series are: Intermediate Ladies (open), Junior (under 21), Midget (under 18), Bantam (under 16), Peewee (under 14), Lassie (under 12), Atom (under 10) and T-ball (under 10).

There are 800 coaches affiliated with the ORSA, 260 of whom are women. All facilities used by the ORSA are public, e.g. municipal parks and school playgrounds.

There are no provisions in the ORSA constitution or rule book prohibiting integrated competition, however, as a matter of policy, it is discouraged. A number of complaints have arisen in this regard: the most highly publicized being the Bazso case outlined in the introductory chapter to this report.

3. Sports Where Equality of Opportunity Will Eventually be Provided

CYCLING

The Ontario Cycling Association (the "OCA") is the umbrella group for 50 or 60 member clubs throughout the province. Cyclists are affiliated with the OCA through their club memberships although some also belong as individual members. Of an Executive of 7 members, only 1 is a woman. There are 3 full-time staff members, 1 of whom is a woman.

Of the approximately 1,000 athletes registered with the OCA, only 35 are women. According to the OCA's program director, the lack of women participating within the organization may be due to the ethnic underpinnings of the sport. Apparently, the Italian community does not encourage its women to cycle competitively. However, the OCA confirmed that, while there are few women cyclists involved in competition, many are involved in the sport at the recreational level.

None of the 30 coaches registered with the organization are women. Of the 40 registered officials, 10 are women.

While men's competitions are divided into various age categories (Minime - 12 to 14, Cadet - 14 to 16, Junior - 16 to 18, Senior - 18 to 35 and Veteran - 35 and over),

because of their lack of numbers, women generally compete in one women's open event. However, there is some integrated competition at the Minime, Cadet and Junior levels and 2 Ontario women who are on the national cycling team compete from time to time in Senior men's events. The OCA does not object to high calibre women cyclists competing in men's events; the rationale is that these women receive stiffer competition when cycling with males.

The OCA reports that the women's provincial team received the same benefits and privileges as the men's provincial team. The women's team, however, consists of only 6 members while the men's consists of 24 (12 Senior and 12 Junior men). The explanation for this disparity is the small number of women participating in the sport in general.

The sport of cycling takes place on roads and tracks which are, for the most part, public facilities.

In 1982/83, the OCA's budget was $82,560.00. Of this sum, $64,480.00 was a base grant provided by the Provincial Government. In 1983/84, the budget will be $158,755.00, of which $57,730.00 will be provided by way of a provincial grant.

The OCA is one of the few provincial SGBs which has created its own committee to promote the development of women within the sport. This committee is called "Women's Bicycle Voice".

The major complaint registered by women cyclists is with respect to the disparity in prize money offered to women competitors. The OCA advises that international cycling rules provide that an amateur competitor may accept

$200.00 in cash per day and any amount beyond that must be given to the club of which the competitor is a member. The women's purses in amateur competitive cycling are markedly lower than the men's. The argument to date has been that this is justifiable because of the lower numbers in women's competition. This argument may be applicable to the matter of placings, that is, in some cases there are only 3 placings in a women's event compared to 10 placings in a men's event (where the field of competitors is much larger). However, the argument does not seem to justify awarding a woman who places first in her event less money than to a man who places first in his. The matter of prize money is apparently controlled by sponsors and the clubs participating and it may be that, because it is the men's events which draw the spectators, larger purses should be available to them.

The OCA reports that there are no provisions in either its constitution or rule book prohibiting integrated competition.

CRICKET

The Ontario Cricket Association (the "Cricket Association") is composed of approximately 94 clubs, each of which generally have 1 to 5 teams. Of a 14 member Board of Directors, only 1 member is a woman. One of the 3 full-time staff members is a woman.

There are 4,000 athletes within the association; only 15 are women.

There are both provincial and club level competitions. Competitions are divided into the following age categories: under 17, under 19, under 25 and 20 and over. In the club

leagues, there are the following additional age categories: under 15 and 21 and over.

An important focus of the Cricket Association is youth development (for both sexes). Mr. Ray Catherall, the Cricket Association's Director of Coaching and Youth Development at the time of our investigation, implemented a program to introduce the sport of cricket into a number of Ontario secondary schools. Participation in the clinics was coeducational. According to Mr. Catherall, cricket is a skill rather than a strength related sport and, therefore, is one which lends itself well to integrated participation.

There is apparently very little interest on the part of females in coaching and officiating cricket; all of the 24 coaches and 65 officials associated with the Cricket Association are men. The facilities used by the association are predominantly public (about 90%, the balance are private facilities).

The Cricket Association's 1982/83 budget was $72,952.00, $36,000.00 of which was a base grant provided by the provincial government. In 1983/84, the budget will be $141,096.00. Of this amount $37,075.00 will be provincially funded.

No one has complained to the Cricket Association of any instances of discrimination on the basis of sex. There are no constitutional provisions prohibiting integrated play. According to Mr. Catherall, girls are welcome to participate but few choose to do so.

POWERLIFTING

The sport of powerlifting involves three types of weightlifts: the "squat", the "bench press", and the "hook". In comparison with the sport of weightlifting, powerlifting is considered more of an all-body conditioning sport.

The Ontario Powerlifting Association (the "OPA") has an Executive of 5 members; 1 of whom is a woman.

Members of the OPA range in age from 16 to 80; Twenty-five percent of the total number of athletes are female (100 females out of approximately 400 registered athletes). The OPA provides competition in a number of age categories including: Junior (16 and over), Senior (over 21) and Masters (over 40).

The OPA has developed special programs for women. There are 5 levels of competition based on ability available specifically for women, ranging from Novice to Class I. Regional and provincial competitions in these classifications are open to those women who qualify. In addition, coaching seminars are available for those female athletes who participate in other sports in which muscle strength and endurance play an important role. The girls are taught to train in an effective and safe manner to meet the needs of their specific sport e.g. downhill skiing.

Of the 20 coaches registered with the OPA, 5 are women. Three of the 15 OPA officials are women. Seventy-five percent of all facilities used by the organization are public; the remaining 25% are private.

In 1982/83, the total budget of the OPA was $7,325.00, $2,850.00 of which was a base grant from the provincial government. The predicted budget for 1983/84 is $6,000.00, $2,850.00 of which will be provincially funded.

At the inception of the organization, several women complained about segregated competition. Segregation, however, has been accepted by reason of the difference in strength between males and females. As a result, there is a restriction in the OPA's constitution prohibiting integrated competition.

SAILING

The Ontario Sailing Association (the "OSA") is composed of approximately 150 clubs. About 98% of all the sailing clubs in Ontario belong to the association. Both the Board of Directors and the Executive are dominated by men; all 12 Board members and all 4 Executives are men. One of the 3 full-time staff members is a woman.

There are 3,000 sailers registered with the association; 450 are women.

A variety of competitions are sanctioned by the OSA. They are organized on several bases: age, type of boat (e.g. laser, albacore, keel boat, sailboard) and number of crew members. Most classes of competition are open to both males and females. In addition, provincial competitions in the following classes are held exclusively for females: single-handed (laser), board sailing and double-handed (laser II).

Other OSA programs offered exclusively for women are; "Women's Week" - a week long training program for women sailers held at the Ontario Sailing Centre and a number of seminars and clinics for women offered at the local club level. The OSA also has a special women's committee organized to encourage helmsmanship among women at the recreational and competitive level and to develop regional and provincial sailing competitions among women.

Of the 750 coaches registered with the OSA, 268 are women. Seventy-five of the 300 officials are women. Both private and public facilities are used for recreational and competitive sailing.

The OSA's budget for 1982/83 was $245,030.00. Of this sum, $161,000.00 was a base grant provided by the Province. In 1983/84, the projected budget is $1,008,010.00, of which $166,343.00 will be a base grant from the province.

To date, no complaints of discrimination on the basis of sex have been made against the OSA. There are no provisions in either the constitution or rule book of the OSA prohibiting integrated sailing competition.

SOCCER

The Ontario Soccer Association (the "Soccer Association") is the umbrella organization for various district and inter-district soccer leagues throughout the province. Individual soccer players register with the Soccer Association through their memberships in the teams and clubs belonging to these leagues.

Of the 120,000 athletes registered with the Soccer Association, 9,000 are female. The Soccer Association's

6 member Board of Directors is entirely male. Five of the 9 full-time staff members are female.

The Soccer Association sanctions various championships and tournaments. Competitions are organized in the following age divisions: Squirt (8), Minor Atom (9), Atom (10), Minor Mosquito (11), Mosquito (12), Minor Peewee (13), Peewee (14), Minor Bantam (15), Bantam (16), Juvenile (17), Junior (18). All competitive teams are sex-segregated. Recreational, house league teams are sometimes integrated up to the Peewee level.

The Soccer Association provides special programs to develop female participation including the Ontario Soccer Cup, a relatively new provincial level competition for women (121 female teams entered this competition in 1982) and a player/coaching development clinic designed to develop leadership abilities in elite female players, i.e. in order to encourage them to enter the coaching ranks. In addition, as part of its regional coaching program, the Soccer Association provides a coach to each of the 6 regions of the province into which the administration of the organization is divided. Soccer Association representatives advise that part of the current mandate of these coaches is to involve more females in the sport.

All technical programs (coaching, officiating and player development) offered by the Soccer Association are open to both sexes.

At present, there are no inter-provincial (national) or North American competitions for women's soccer teams. Canada does not have a women's team nor does Ontario. The technical director of the Soccer Association advises that female soccer

players' current levels of participation and ability do not justify the creation and promotion of either a provincial or national team. He feels that women's soccer is at least 5 years away from this elite level of competition. While an internal committee of the Canadian Soccer Association (Women's Soccer Planning Conference, March 28 and 29, 1982) has recommended inter-provincial competition for women's soccer, it too has apparently determined that females' soccer levels are not yet developed sufficiently to catapult female teams into the elite levels of competition. In addition, any inter-provincial or national competition would require corporate sponsorship. Apparently, in the case of women's soccer, this is difficult to obtain. The Soccer Association's technical director also feels that provincial and federal government support of women's soccer will not be increased until there is some international recognition of Canadian women's soccer.

The technical director sees the matter of leadership as being one of the major problems in the development of women's soccer. There are very few female role models within the sport either at the player or coaching level (only about 5% of the Soccer Association's coaches are female and most of the women's teams are coached by men). An effort is being made to redress this situation. In 1981, $2,000.00 was specifically earmarked for women's development, however, no real interest was demonstrated and, therefore, in the 1982/83 fiscal year, no funds were specifically designated for this purpose. The technical director also pointed out that it is difficult to justify the direction of specific funds to the development of women soccer players when no provincial women's team exists.

Only about 1% of all the Soccer Association's officials are female. All facilities used by the Soccer Association are publicly funded.

The Soccer Association's budget in 1982/83 was $164,635.00, of which $130,700.00 was provided by way of a base grant from the Provincial Government.

There have been some isolated complaints of discrimination lodged with the Soccer Association by females who wish to play on male teams. This situation sometimes arises in remote areas of Northern Ontario where there is a boy's soccer team but no parallel girl's soccer team exists.

While the Soccer Association has no formal policy or constitutional provision prohibiting integrated soccer, it does not encourage it beyond puberty or the house league level. Some of the Soccer Association's Executives with whom I spoke felt that, when males and females play soccer with or against one another, certain otherwise avoidable injuries will result because of the differences between males and females in body weight, centre of gravity and strength (even though soccer, theoretically, is a non-contact sport and these factors should not play a great part). I asked the Soccer Association's representatives to provide me with statistics with respect to such injuries within integrated soccer. These statistics were never provided.

These Executives also pointed out that, if soccer teams within the province were integrated, they might not be permitted to proceed to the national and international levels of competition due to rules at those levels precluding integrated competition.

TRACK AND FIELD

The Ontario Track and Field Association (the "OTFA") is composed of a number of clubs throughout the province. There are no women on the association's 13 member Board of Directors. Of the 6 full-time staff members, 4 are women.

There are approximately 2,500 athletes registered with OTFA clubs; 900 are women. The 4 basic categories of competition are: Indoor, Outdoor, Road and Cross-country. The various track and field events available to men and women are segregated on the basis of sex and age. While, for the most part, parallel events are held for both sexes, the pole vault and the triple jump events are not held for women. Pole vault is thought to be an inappropriate event for women because it requires great upper body strength. The triple jump is not offered to women because of its supposed risk of injury to the pelvic area. In addition, in certain track events, distances for women's races are shorter than men's and, in certain field events (e.g. discus, shot and javelin), the weight of the implements for women's events is less than for men's.

The OTFA participates in a number of programs designed to develop women's participation in track and field. These are the Colgate Women's Games, held annually in Toronto, and the Avon Road Races.

Of the OTFA's 350 coaches, 125 are women. Fifty of the 150 officials are women. All facilities used by the OTFA are publicly funded.

In 1982/83, the OTFA's budget was $348,025.00. Of this total, $153,325.00 was a base grant provided by the province. In 1983/84, the budget will be $426,400.00, $153,325.00 of which will be provincially funded.

No complaints of discrimination on the basis of sex have been lodged with the OTFA. There are no constitutional provisions prohibiting integrated participation in track and field events.

4. Sports Where Generally Equality of Opportunity Is Provided But Specific Instances of Discrimination Exist

CURLING

The Ontario Ladies' Curling Association (the "OLCA") is one of 6 provincial associations belonging to the Ontario Curling Federation (the "Federation"). The OLCA is the only women's association - all others are exclusively male. The Federation's only full-time staff member is a man.

There are 3 provincial curling championships. Two are run by the various men's associations and 1 by the OLCA. The various age classes are: Junior (19 and under), Intermediate (40 and over), Senior (over 50), Diamond Senior (60 and over) and Open. Competitions are held on a sex-segregated basis although there is some "mixed" competition organized by the men's associations.

The facilities used by the OLCA are, for the most part, private clubs.

The Federation's total budget for 1982/83 was $99,595.00, of which $48,750.00 was a base grant from the provincial

government. In 1983/84, the Federation's budget will be $107,084.00, $55,146.00 of which will be a base grant from the province.

There are no complaints of discrimination on the basis of sex except in connection with the rule in mixed curling which provides that the lead or "skip's" position on the mixed team is to be held by a man. The OLCA advises that there are no constitutional or rule book provisions which prohibit integrated competition.

GOLF

There are 2 separate provincial SGBs for golf: the mens' association - The Ontario Golf Association (the "OGA") and the ladies' - The Ontario Ladies' Golf Association (the "OLGA").

Both associations' members are golf clubs throughout the province. The OGA's Executive consists of 6 members, all of whom are men. The OLGA's 12 member Board of Directors is entirely female. The OGA has a full-time staff of 5, 4 of whom are women. The OLGA has a full-time staff of 2, both of whom are women. All 21,000 individual golfers registered with the OLGA are women. Individual membership in the men's association is almost twice that of the women's: 40,000 men. Provincial competitions are organized on the following age bases: Junior (under 19), Amateur (open) and Senior (over 50).

All OLGA officials are female. Most facilities used for OLGA tournaments are private courses although some public courses are used especially in southwestern Ontario.

In 1982/83, the OLGA's budget was $64,750.00, of which $28,800.00 was provided by the province as a base grant. In that same year, the budget for the men's association was $348,000.00 of which $28,090.00 was provided by way of a base grant from the province. In 1983/84, the OLGA's projected budget is $68,400.00, of which $29,268.00 will be a base grant from the province. The budget for the men's association is expected to be $382,500.00, $28,090.00 of which will be provided by way of a base grant from the province.

There have been complaints of discriminatory practices against women at a number of private golf clubs. Among these complaints are that women are arbitrarily restricted in the times at which they are permitted to use the course, particularly on weekends. Furthermore, in some private clubs, while women pay fees, they are sometimes not permitted to vote at membership meetings or to sit on the club's Board of Directors. Some clubs charge a smaller annual fee to women than to men and on this basis justify the inequitable treatment of women golfers.

CHAPTER III

CONCLUSIONS RE: PHASE I

The fundamental purpose of this inquiry is to recommend measures that will achieve or maintain equality of opportunity for the sexes in athletics. What does this mean? Not every person who engages in athletics has the same objectives. The vast majority regard sport as a recreation - an opportunity to become fit and to enjoy the fun and satisfaction of exercise and competition. To a limited number it means achieving excellence or pre-eminence in a chosen sport.

Throughout the inquiry I wrestled with this question: In order to meet these objectives must there be complete integration so that an athlete of either sex is free to participate in any event or activity of the other; or can equality be achieved by ensuring that the sexes have parallel access to athletic events and competition?

In arriving at the answer to this question I determined that regard must be had for the views of a substantial majority of those who participate as well as those involved as coaches, officials, administrators and executives. Without the support of these individuals changes in the law or government policy would be doomed to fail. Basic changes in the law should reflect a change in public attitude. If they do not and the changes fly in the face of public opinion they will not be obeyed or enforced.

I found that there was little support for the complete desegregation of athletics. The instances which have

received public attention have been largely cases in which an exceptional female athlete has complained because she has been denied participation in a male competition. The Cummings and Bazso cases both fall into this category. In both those cases and others which have achieved notoriety, a substantial factor has been the absence of a girls' team which offered comparable competition.

On the other hand, separation of competition is deeply rooted in the psyche of our society. It is reflected in and buttressed by the fact that both nationally and internationally, competition is segregated, except in those sports in which it has been demonstrated that women are physiologically on a par with men. Examples of the latter are long distance swimming and shooting. In other sports in which women are at a physiological disadvantage they do not wish to compete with men.

There are, no doubt, those who point out that the physiological gap is narrowing with advanced training methods.[20] Nevertheless, the great majority of athletes, coaches and executives of SGBs consider that for the immediate future the differences are such that at least post-puberty females are at a decided disadvantage in competing with males.

In deference to views to the contrary I asked Dr. Robert Goode of the School of Physical and Health Education of the University of Toronto and a team of specialists to examine the literature, to study the matter and to report to me on the current state of expert opinion on the subject. They did so and confirmed the view that was expressed by the majority of athletes, officials and executives.

Much research still remains to be done on physiological differences in male and female athletes; on the other hand, enough has already been done to demolish several prevalent myths that are often used to justify giving females less than equal opportunity in athletics. The research that has been done does not lend support to the view that there are sports and activities in which women cannot compete. The research does not establish that females are at a greater, or even much different risk than male athletes. The research does, however, identify height, weight and strength differences which make it difficult for female athletes to successfully compete against males in many sports. It also documents how rapidly female performance records are improving in a wide variety of sports. A synopsis of the findings of Dr. Goode and his colleagues is contained in Appendix 6.

In answering the question posed at the commencement of this Chapter I was particularly interested in the stance taken in the United States. There the rights of women have been more aggressively advanced, perhaps, than anywhere in the world. I had the advantage of studying the state of equality of opportunity in educational institutions in the United States. As a result of powerful representation by women's rights groups Congress passed Title IX, an amendment to the Civil Rights Act, 1964. This amendment was designed to promote equality of opportunity in such institutions. Its main impact has been in the field of athletics.[21] In connection with my study of the American experience I met with respresentatives of the following groups:

Association for Intercollegiate Athletics for Women
Girls Clubs of America, Inc.
National Commission on Working Women
National Education Association

National Women's Law Center
Project on Equal Education Rights (PEER)
Project on the Status and Education of Women
Women's Equity Action League (WEAL)
Women's Legal Defense Fund

I found virtually no support for integration provided that there was an equitable allocation of resources and women were provided with an opportunity to compete with each other at a level comparable to men. This point of view was put succinctly by Margot Polivy, Counsel for the Association for Intercollegiate Athletics for Women, who has engaged in a number of celebrated cases involving womens' athletics. In a letter to me she states:

> "The fact is that there has been no great movement for coeducational competitive athletics when some modicum of equal opportunity is provided for sex separate competition."

The strongest case for integration is made with respect to competition among pre-puberty children to the age of 13. The evidence is convincing that at this level girls can compete successfully with boys. There is little to support the view expressed by some SGB representatives that there is an increased risk of injury. This is refuted by both Dr. Goode's report and by other evidence presented to me. In the case of one large insurer in the United States the rates for personal injury coverage were lower with respect to female boxers than those for male boxers.

The more forceful objection to integration of some contact sports is that forms of physical contact offend against public decency. I mention rugby as an example where contact

with the genital area is inevitable in some of the sports manoeuvres.

In community athletics where integration has occurred and is working well it has come about voluntarily and not as a result of the intrusion of government action. This has occurred to a considerable extent in recreational community athletics. A partial evaluation of the extent and quality of mixed participation in this area is contained in the report by Myra Schiff Consultants Limited, referred to above.

It is doubtful that government action could have achieved this result as effectively, if at all, in the absence of the proper attitude on the part of the public. This conclusion finds support in the experience in the United States with little league baseball. In N.O.W. Essex County Chapter v. Little League Baseball, Inc.[22] The New Jersey Superior Court decided that the Constitution of the United States required all male leagues to permit girls to play. I made specific inquiries as to the impact of this decision on the participation of girls. The figures provided to me by the league indicate that participation has been nominal. Officials of the league explain this on the basis that girls "just are not interested". Womens' groups say that notwithstanding the decision the attitude of the league is inimical to the involvement of females and the latter just do not feel wanted and do not participate.

This brings me to the attitude of the principal Sports Governing Bodies. Most of them are content to have integration at the recreational non-competitive community level. They, however, oppose it at the more competitive level which they administer. Many of them are making

commendable efforts to establish parellel competition for girls.

Although some of the reasons advanced for their resistance to integration are spurious there are good grounds for not forcing integration on them.

First there is the existence of a firm attitude against such a step. These sports depend for their survival on volunteers who freely devote their time and energy. They do so because they are devoted to the sport. Many openly indicated that if forced to integrate they would not be prepared to continue to devote their time to the sport. While these statements may to some extent be tactical I am satisfied that if required to integrate many SGBs would not accept it in good grace and the enthusiasm which now exists would wane.

Secondly, integration could certainly not occur without considerable enforcement action. The experience derived from the Cummings and Bazso cases is that enforcement action imposes a crushing financial burden on an SGB. The budgets of these bodies which are funded partly by public funds, but principally by public donations and receipts, are incapable of bearing this burden. Much better to spend this hard-got money on athletes than on lawyers and arbitrators.

Thirdly, integration would require that girls be admitted to what are now termed boys' teams and vice-versa. It is the vice-versa that creates difficulty. It has been forcefully drawn to my attention, that, in the absence of a considerable expansion in the number of teams, boys would take over the girls' teams. This would not be desirable and therefore complete integration would have to be written down to

integration one-way only. In other words, eliminate the vice-versa.

After carefully weighing these considerations I concluded that complete integration even at the pre-puberty level should be encouraged but not legislated for the immediate future. This conclusion is subject, however, to a most important proviso: That it is demonstrated that equality of opportunity is otherwise provided by enabling the male or female athlete to achieve his or her objective by participating on a team of his or her own sex at a comparable level of competition.

In the United States, a nation noted for the extensive reach of its laws relating to human rights, the vast majority of judicial opinions accord with the conclusion expressed above. Indeed, in Ritacco v. Norwin School District, the District Court concluded that:

> "Where the opportunities for engaging in sports activities are equal, as is true here, the rule requiring separate teams based on sex fosters greater participation in sports."[23]

Affirmative action programs aside, equality in only one direction is a concept that is foreign to human rights legislation. I agree with the observation of Madame Justice Wilson in the Bazso case that if:

> "the Code requires a girl aged nine to be allowed to play on a boy's team, then it must also require a boy aged 18 to be allowed to play on a girls' team ...".

It was urged upon me that in the case of an exceptional female athlete competition against her own sex was insufficient. She should be permitted to avail herself of the extraordinary competition which would be provided by participating in what is otherwise male competition. The difficulty with this concept is its application. The exceptional female athlete is not readily identified by appearance. How do you differentiate between the exceptional athlete and any other athlete who says I want to play and can make the team. If you don't differentiate prior to the try-out stage then all who apply are allowed to try-out. Those who make it stay. This is complete integration.

Furthermore, if the system as a whole provides equality of opportunity generally, it is questionable whether an exception should be made in the case of the female athlete who has extraordinary ability, especially when such an exception places heavy strains on normal human rights concepts.[24]

The policy of the government therefore should be to encourage more integration but it should not at present be legislated except as I have indicated. To this end no Sports Governing Body should by its constitution, by-laws or rules contain a prohibition against participation by either of the sexes. This decision should be left to the individual team in a community. Refusal to admit participation by a male or female would not however result in any legal action because no right will have been violated provided alternative equality is otherwise provided.

CHAPTER IV

RECOMMENDATIONS RE: PHASE I

Recreational Community Athletics

I have already concluded that the integration that has occurred here should be encouraged. No change is, however, necessary in the law. In order to insure that there is an equitable allocation and use of facilities and public funds, Regulation 653 should be amended to require a Municipal or Recreation Committee to account at the time of application for public funds, for the allocation and use of such facilities and of funds previously granted. Records of participation, use and allocation will have to be kept to enable such an accounting to be made. If a significant imbalance persists for several years, funds should be withheld until the imbalance is redressed.

Any application for a grant under Regulation 653 should require the approval of the Coordinator of Equal Opportunity (as hereinafter defined) who should have a broad discretion to determine whether under all the circumstances a persistent denial of equality exists. In the event that funds are withheld there would be a right of appeal on the part of the applicant in the manner referred to in paragraph 20-22 of the recommendations.

A similar accounting should be required when public moneys are granted for use in the building of arenas, playgrounds and other public athletic facilities and equipment. The same sanction with right of appeal should be applied.

MINISTRY OF TOURISM AND RECREATION

Sports and Fitness Branch - Coordinator of Equality of Opportunity (Equality Coordinator)

Government involvement in community sports in Ontario is mainly through the services provided by this branch. I have previously described its main function and structure.

The Branch works effectively and efficiently. It is staffed by dedicated personnel. There have been commendable efforts to improve the status of women in athletics. A number of studies have been carried out relating to equality. I have already mentioned Sex Integrated Sports for School Age Children in Ontario and The Female in Public Recreation. An internal committee called the 'Women in Sport Committee' is presently studying the matter and I have supported their efforts and cooperated with them. While these efforts are encouraging the results of the study should now be translated into more concrete action.

The Branch has more female than male employees but 67% of the females are employed in support positions. Just 30% of the professional positions are held by women. Only one of the Branches seven managers is female. The composition is summed up in an internal memo as follows:

> "While the sex ratio of other Ministry staff was not analysed, it should be noted that the Assistant Deputy Minister and all six Regional Managers are male. Thus of all the managers in the Branch or elsewhere responsible for planning, policy development, and program delivery, the only female is the Coaching Co-Ordinator."

In 1980-81, for a period of about 22 months, the Branch was fortunate to secure the services of Abigail Hoffman, an outstanding Canadian athlete and champion of women's rights. She occupied the position of Supervisor of the Sports Services Section. I learned that during her tenure somewhat more attention was given to the special interests of women in sport. Given the heavy predominance of men in positions in the Branch who determine government policy I am of the opinion that a Coordinator of Equality of Opportunity in Athletics (Equality Coordinator) should be appointed to the Branch occupying a position immediately below the Assistant Deputy Minister and reporting directly to him. The appointment should be made by the Minister of Tourism and Recreation after consultation with the Minister Responsible for Womens' Issues. The Equality Coordinator could be appointed to fill the position of Assistant to the Assistant Deputy Minister if it is still vacant or if it is filled a parallel position should be created. The Coordinator should have a demonstrated interest in the rights of women in athletics.

The Equality Coordinator should have the general overriding function of advancing the interests of women in sport in policy decisions of the Branch. Secondly, the Equality Coordinator would have the duty of ensuring that there was not a denial of equality of opportunity in the athletic activities that are funded in whole or in part by the Ministry. In this regard the Equality Coordinator would be required to ensure that equality of opportunity was not denied to either sex. In addition the Coordinator would work towards changing the imbalance which exists in the composition of the Branch at the higher levels.

I considered but rejected the suggestion that the Branch be required to hire more women at the managerial level. To implement this suggestion would require an exemption from the provision of the Human Rights Code or an affirmative action program. In my view such a step should only be taken if the efforts of the Equality Coordinator are ineffective in initiating change after a suitable period of time.

Competitive Community Athletics

I found that inequality exists in respect of the following:

(a) Some athletes of one sex are unable to participate in competition at a level available to the other sex.

(b) In some sports there is a marked imbalance in the number of female coaches and officials.

(c) There is an imbalance in the composition of Boards of Directors, Executives and Administrators in that there are an insufficient number of females.

In addition I believe, although I was unable to establish because of a want of records, that there is inequality in:

(1) The allocation of funding by SGBs.

(2) The allocation of facilities and other resources.

I will deal with each of these instances of inequality.

(a) Athletes

With respect to (a) I have previously discussed what has been urged on me as the simple solution - allow women to compete equally with men. I find this to be the minority view not supported by women in sport generally. Unless this solution were structured as an affirmative action program it would result in boys and men taking over girls' and women's sports in many instances. It is perhaps significant that apart from the two celebrated cases of Cummings and Bazso there have only been a few complaints to the Ontario Human Rights Commission by females. This is some indication of the strength of the support for this view. On the other hand if a "community" fails to provide competition for a female at a truly comparable level to that provided to males or vice-versa an SGB supported by public funds should be held to account if it also refuses to allow athletes of both sexes who have the required ability to participate on a given team.

In each case in which the issue arises a decision must be made whether the alternative opportunity that is alleged to be available is truly comparable so as to justify a refusal to allow integration. In some cases the alternative may be another sport. For example it is strongly urged by some that Ringette is an alternative to Ice Hockey and that females should not be entitled to play hockey if Ringette is available. In my view, in such a case where the SGB refuses to permit integration and alleges that another sport is equivalent, it should be required to satisfy the decision-maker that its contention is correct.

Who should the decision-maker be? A complaint of inequality could be treated in the same manner as any other complaint

under the Ontario Human Rights Code. The complaint would be investigated by human rights officers and if evidence of discrimination were found, efforts to conciliate would be made, followed by a Board of Inquiry if such efforts failed. While I considered this possibility I am concerned that this method would subject SGBs to constant litigation with its attendant expenditure of money. It has also been suggested that the decision should be a purely administrative one by the Ministry staff. I have concluded that a compromise between these two points of view is the apt solution. The decision should be made by the Equality Coordinator. The Coordinator would exercise a broad discretion in determining whether equality was denied in the particular case. If it was, the offending SGB would be ordered to comply with the decision of the Coordinator as to the steps to be taken to remedy the inequality. If compliance were not forthcoming it would be within the discretion of the Coordinator to accept an undertaking from the SGB that steps were being taken to redress the inequality. An SGB might in some cases persuade the Coordinator that denial of equality was justified because long term steps were being taken to provide equality. I have provided some examples of this in Chapter II. In some cases an SGB might be able to justify the denial of equality on the basis that the dictates of national or international competition required separate teams. In such a case however the failure to establish separate teams over a period of time would militate against such justification being accepted.

The ultimate sanction of the Coordinator would be the withholding of public funds from the SGB. Such a decision should be appealable to a Board of Inquiry appointed under the Ontario Human Rights Code in the manner provided therein. Upon a request for appeal by the SGB the matter would be referred to the Ontario Human Rights Commission by the

Coordinator who would file a complaint. The complaint would not be investigated by the Commission in the usual manner but should proceed directly to a Board of Inquiry. By the time that this stage is reached in the matter the facts will have been investigated by the Equality Coordinator. The hearing would be conducted as in the case of other hearings and the Board would possess all the powers of the Coordinator to make an order withholding government funds. The decision to appeal would be that of the SGB which would decide whether to incur the expense of a hearing or comply with the order of the Equality Coordinator.

(b) Coaches and Officials

I was advised during the inquiry that a major reason for the lack of participation of females in equal numbers to men was the paucity of role models. A growing boy is constantly having paraded before him role models in sport who he would like to emulate. Here we have the Gretzkys, the Borgs, the Herschel Walkers, the Podborskis and others. At school there are more male than female Physical Education teachers and when he tries out for the community team he is almost certain to have a male coach. Not so for young girls. To be sure she may have caught a glimpse of Chris Everet Lloyd and have heard something of Laurie Graham, but these role models are not publicized in the same numbers or with the same prominence as males. At school there are fewer Physical Education specialists to emulate and when she tries out for the community team chances are she will have a male coach.

It would be part of the function of the Coordinator, in conjunction with the Coaching Development Program, to promote and encourage women to participate in the National Coaching Certificate Program. In this regard the Coordinator should

be assisted by the Provincial Coaching Coordinator who should adopt a policy of increasing the number of women. The Ministry now subsidizes certificate courses for coaches. A special subsidy to increase participation of women in these courses should be established.

The Wintario Sports Offices provide grant assistance for special projects. The Wintario Sports Office in consultation with the Coaching Coordinator and the Women's Sports Coordinator should establish a special project to seek out and encourage women to participate in a coaching development program.

The deficiency in the number of female officials does not perhaps have the same impact because the official is not perceived as a role model. Nevertheless there is evidence which I accept that some male officials tend to belittle female competition. The Coordinator should therefore promote the development of female officials. Funds should be made available for this purpose but not at the expense of the development program for female coaches.

(c) Directors, Executives and Administrators

Although I was advised by those SGBs who were deficient in this category that the absence of women was due to a lack of interest on their part it seemed that not much of an effort was made to include them. The Coordinator should require any SGB having a substantial imbalance in the number of Directors, Executive or Administrators to explain what efforts are being made to improve it. This requirement should be included in the guidelines. If no effort is made to redress the imbalance the Coordinator should be empowered to conclude that there has been a denial of equality of

opportunity resulting in the withholding of funds. This factor alone should not, except in the most blatant cases, result in loss of funds but might, along with other factors, lead to such a result.

(1) Allocation of Funding

SGBs are not presently required to keep records with respect to either female participation or spending of the funds provided by the Branch. They should be required to do so in order to enable the Coordinator to determine whether funds are being allocated fairly between male and female participants. This is not to say that there has to be a matching of funds. Some sports simply cost more and this must be taken into account. If however the Coordinator concludes that there is a recurrent preference given to one sex then it may result in a finding that equality of opportunity is not being provided.

(2) Allocation and Use of Facilities

What has been said about funds applies equally to facilities that have been provided through public funds. In most cases however the facilities used are owned by municipal or other government bodies and provision is made elsewhere in this report for an accounting of use so as to ensure equality.

It is apparent that the guidelines with respect to the approval of grants to the SGBs must be amended. The guidelines and the form of application should require an applicant to satisfy the Coordinator that equality of opportunity is being provided, or if it is not, that steps are being taken to do so. Information to satisfy the Coordinator that in respect of matters discussed above, there

is not a "denial" of equality, must be included in the application. The Coordinator should have a broad discretion to determine whether under all the circumstances there has been a denial of equality which is sufficient to result in a withholding of funds. Any such denial should be appealable to the Ontario Human Rights Commission in the manner provided above.

In order for the Coordinator to perform the very significant functions allocated to the position he or she will require the assistance of staff and necessary funding. Of equal importance will be the cooperation of all persons in the Branch and associated with the SGBs.

Elite Athlete Assistance Program

I have concluded that although the lot of the female athlete is steadily improving she has suffered from an historical disadvantage. This disadvantage originated in the public attitude towards women in sport and was translated into a mis-allocation of public resources.

I am therefore disturbed by the fact that public assistance to our athletes who are about to achieve international stature should favour the male athlete so heavily. This program assists Ontario athletes who rank below National Team status. The criteria used seem to be those adopted by the SGBs by analogy to the National Program. The application of this method results in inequality. It is no answer to say that there are more male athletes of near international standard. This would perpetuate the state of inequality. The Ministry must adopt criteria that will increase the number of female athletes who receive assistance. This will undoubtedly necessitate adopting a somewhat lesser standard

for women for the short term. If however women are to catch up there is no other alternative. The approval of the Equality Coordinator should be obtained with respect to the criteria adopted.

Boxing

Regulation 65, Section 4(2) passed under The Athletics Control Act prohibits the Athletic Commissioner from issuing a licence to a female to take part in an amateur or professional boxing contest or regulate an amateur wrestling contest or exhibition.

Evidence was presented to me that there is a substantial interest in this sport on the part of a group of women. No valid reasons for the continued existence of this regulation was put forward. The Regulation probably violates the Charter of Human Rights and Freedoms and certainly its spirit. In my opinion this piece of antiquity serves no useful purpose and should be repealed.

CHAPTER V

SUMMARY OF RECOMMENDATIONS IN PHASE I

Sports & Fitness Branch

1. A Coordinator of Equality of Opportunity in Athletics (Equality Coordinator) should be appointed by the Minister of Tourism and Recreation, after consultation with the Minister Responsible for Women's Issues, to the Sports and Fitness Branch of the Ministry of Tourism and Recreation, at a level immediately before that of the Assistant Deputy Minister, for the specific purpose of promoting equality of opportunity in amateur athletes in the community.

2. A special subsidy should be established by the Ministry of Tourism and Recreation to increase the participation of women in the National Coaching Certificate Program.

3. The Coaching Coordinator should adopt a policy to increase the number of women participating in the Coaching Development Program.

4. The Wintario Sports Office in consultation with the Coaching Coordinator and the Equality Coordinator should establish a special project to search out and encourage women to participate in the Coaching Development Program.

5. Funds should be provided to increase the number of female officials in amateur sport.

6. The Sports and Fitness Branch with the approval of the Equality Coordinator should adopt criteria of eligibility for the assistance of Elite Athletes which will increase the number of female athletes to receive such assistance.

Recreational Community Athletics

7. In recreational community athletics integration of all events should be encouraged by government policy but not legislated.

8. Regulation 653 passed under the Ministry of Culture and Recreation Act and/or the Act should be amended to require that records be kept by municipalities or Recreation Committees as to the participation in numbers of males and females in all athletic activity, use of public facilities by males and females and the allocation of funds received under the regulation as between male and female activities.

9. Regulation 653 and the Act should be further amended to require the approval of any grant thereunder by the Equality Coordinator which approval may be given if in the opinion of the Coordinator, public facilities and funds are being allocated equitably as between males and females, subject to appeal as provided in recommendations 20-22.

Competitive Community Athletics

10. No constitution, by-law, rule or regulation of any SGB should prohibit participation by either male or female in the sport governed.

11. Refusal to permit participation of a female in an athletic competition in the community which is otherwise a male event or vice-versa shall not of itself constitute a denial of equality of opportunity.

12. Refusal to permit participation by a member of one sex in a competition which is otherwise a competition of the other sex shall constitute a denial of opportunity if in the opinion of the Equality Coordinator an equivalent opportunity to compete in the same or equivalent sport is not provided in the community to the member or members of the sex who have been refused participation.

13. In any case in which a SGB alleges that equivalent opportunity is offered not in the same sport but an equivalent sport it shall be incumbent on such SGB to satisfy the Equality Coordinator with respect to this allegation.

14. A denial of equality may be justified if an SGB satisfies the Coordinator that:

    (a) the SGB has taken steps that will result in equality being provided and has undertaken to complete such steps within a period of time that is accepted by the Equality Coordinator, or

    (b) the dictates of national or international competition make it imperative that teams separate

as to sex be maintained and that steps have been taken to establish a team for the excluded sex within a time period that is accepted by the Equality Coordinator.

Equality Coordinator - Powers and Appeal

15. The Guidelines for grants to the SGBs should be revised to provide that:

(a) any grant is subject to the approval of the Equality Coordinator;

(b) failure to provide equality of opportunity may result in approval being withheld;

(c) the application for funds must specify the number of male and female participants for the previous year, the allocation of funding and other facilities and resources, the respective number of coaches, officials, members of the Board of Directors, Executives and professional Administrators who are male and female; and

(d) the application should also contain an explanation if requested by the Coordinator as to measures that are being taken to redress any imbalance in the composition of the Board of Directors.

16. The Coordinator may withhold approval of the application if in respect of:

(a) the allocation of funding or facilities; or

(b) the number of coaches, officials, members of the Board of Directors, Executives or professional Administrators;

the Coordinator determines that there has been a denial of equality of opportunity.

17. In making the determination in recommendation 16 the Coordinator will exercise a broad discretion and without limiting the generality of the foregoing may grant approval notwithstanding a denial of equality of opportunity if:

(a) the SGB is making genuine efforts to provide equality; or

(b) a reasonable explanation is given for the failure to provide equality with an undertaking to do so within a period of time acceptable to the Coordinator.

18. In any case in which the Equality Coordinator finds that there has been a denial of equality an SGB or other recipient of public funds may be ordered to take such action as will provide equality.

19. If a SGB or other recipient of public funds refuses to comply with an order of the Equality Coordinator the Equality Coordinator may in his or her discretion withhold payment of public funds until compliance with the order.

20. An SGB or other recipient of public funds may appeal an order of the Equality Coordinator or a decision to

withhold public funds by delivering to the Equality Coordinator a written request for a hearing under the Ontario Human Rights Code.

21. Upon receipt of such a request the Equality Coordinator shall file a complaint under the Ontario Human Rights Code whereupon the matter shall be dealt with as a complaint under that Act except as are provided hereafter.

22. A Board of Inquiry appointed under the Ontario Human Rights Code to decide such a complaint shall have all the powers of the Equality Coordinator to make an order or withhold public funds.

Statutory Changes

23. Regulation 65, Section 4(2) made pursuant to The Athletics Control Act should be repealed.

24. That amendments to the Human Rights Code, 1981, to implement with these recommendations be made as set out in the attached Schedule A.

SCHEDULE 'A'

AMENDMENTS TO THE ONTARIO HUMAN RIGHTS CODE

Section 19(2) is amended to read as follows:

> Section 19(2) - Subject to Section 19A, the right under Section 1 to equal treatment with respect to services and facilities is not infringed where membership in an athletic organization or participation in an athletic activity is restricted to persons of the same sex.

The Human Rights Code, 1981, Chap. 53, S.O. 1981 is hereby amended by adding thereto Section 19A:

(1) A Sports Governing Body or other recipient of public funds from whom any funds have been withheld or in respect of whom any order has been made by the Equality Coordinator appointed by the Minister of Tourism and Recreation may appeal such decision by delivering a written request to the Equality Coordinator requesting a hearing under this Act.

(2) Within 10 days of the receipt of a written request under subsection (1), the Equality Coordinator shall file a complaint with the Commission setting out the grounds for the order or the decision withholding public funds.

(3) Upon the filing of the complaint by the Equality Coordinator the Commission shall request the

Minister to appoint a Board of Inquiry under Section 35.

(4) The Board of Inquiry shall hear the complaint de novo.

(5) Where a Board of Inquiry finds that there has been a denial of equality of opportunity to one of the sexes the Board may confirm the order or decision of the Equality Coordinator with or without variation.

(6) Where a Board of Inquiry finds that there has not been a denial of opportunity to one of the sexes the Board shall rescind the order or decision of the Equality Coordinator.

(7) The decision of the Board of Inquiry is binding on the Equality Coordinator, the Sports Governing Body, recipient of public funds or other party to the proceedings.

(8) A denial of equality of opportunity to one of the sexes includes the following conduct:

(i) Refusing to accord to one sex the opportunity to compete in a sport by either,

(a) providing a separate team which offers a comparable level of competition in the same sport or equivalent sport, or

(b) permitting integrated competition.

(ii) Persistent failure to provide equal training for athletes, coaches or officials of both sexes.

(iii) Allocation of public funding or facilities so as to disadvantage one of the sexes.

(iv) Persistent failure to include members of one sex on the Board of Directors or Executive of a Sports Governing Body.

(9) Any party alleging that equality of opportunity is provided in an equivalent sport within the meaning of sub-paragraph (i)(a) hereof, has the burden of proof in respect of that issue.

FOOTNOTES

1 Inland Revenue Commissioners v. McMullen, [1981] A.C. 1

2 1793 Stats. V.C. c. 8

3 3 and 4 Wm. IV, c. 73

4 Racial Discrimination Act, 1944, S.O. c. 51;
Fair Employment Practices Act 1951, S.O. c. 24;
Female Employees Fair Remuneration Act, S.O. 1951, c. 177;
Fair Accommodation Practices Act, S.O. 1954, c. 28;
Ontario Anti-Discrimination Act, S.O. 1958, c. 70

5 S.O. 1961 62, c. 93

6 British Columbia Human Rights Code, S.B.C. 1973, c. 119;
Alberta Bill of Rights, S.A. 1972, c. 1;
Alberta Individual Rights Protection Act, S.A. 1972, c. 2;
Saskatchewan Fair Accommodation Practices Act, R.S.S. 1965, c. 379;
Saskatchewan Fair Accommodation Practices Act, R.S.S. 1965, c. 293;
Saskatchewan Human Rights Commission Act, S.S. 1972, c. 108;
New Brunswick Human Rights Code, S.N.B. 1971, c. 8;
Manitoba Human Rights Act, S.M. 1974, c. 65;
Nova Scotia Human Rights Act, S.N.S. 1969, c. 11;
Newfoundland Human Rights Code, R.S.N. 1970, c. 262;

Quebec Charter of Human Rights and Freedoms, S.Q. 1975, c. 6;
Yukon Territory Fair Practices Ordinance 1963 (2d) c. 3;
Northwest Territories Fair Practices Ordinance 1966 (2d) c. 5;
Prince Edward Island Human Rights Code, S.P.E.I. 1968, c. 24;

7 S.C. 1976-77, c. 33;

8 "The Commission shall administer this Act and, without limiting the generality of the foregoing, the Commission shall

(a) forword the principle that everyone is free and equal in dignity and rights without regard to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin."

9 S.O. 1961-62, c. 93, s. 3. Originally applicable to apartments and buildings containing more than six self-contained dwelling units; in 1965 amended to three self-contained dwelling units; and, by a 1967 amendment, dropping the numerical restriction entirely. A similar gradual extension of the scope of the employment sections is documented in Hunter: The Development of the Ontario Human Rights Code: A Decade in Retrospect (1972), 22 U. of T. L.J. 237 at 240;

10 Citzenship, family status and handicap were added to the prohibited grounds. Equality in contract and harassment are both expansions in the social areas.

11 102 D.L.R. (3d), 303, (1979);

12 Transcript of a Board of Inquiry hearing: Cummings v. O.M.H.A., August 122, 1977, p. 63 and 69;

13 Cummings v. O.M.H.A., Report of a Board of Inquiry under the Ontario Human Rights Code, October 31, 1977, page 3;

14 Ibid., p. 16;

15 102 D.L.R. (3d) 303, (1979);

16 When this report was completed I learned that a reorganization of Sports Services was proposed. I decided however that the nature of the changes did not alter my conclusion and recommendations. I, therefore, decided not to delay submission of this Report pending further study of the changes.

17 See Minutes of the June 3rd, 1982 meeting of the Women in Sport Committee of the Ministry of Tourism and Recreation's Sports and Fitness Branch.

18 Further figures collected by Ministry of Tourism and Recreation personnel from all SGBs indicate that there is a much lower ratio of women on full time staff, particularly in more responsible positions.

19 Ontario Elite Athlete Assistance Program, 1983/84 published by M.T.R.

20 K. F. Dyer, Catching Up the Men: Women in Sport, (1982); and See Sex Discrimination in Sport, David Pannick, page 30;

21 I will be dealing with this statute in more detail in my report on Phase II

22 127 N.J. Super. 522, 318A, 2d, 33 (1974)

23 361 F. Supp. 930 at 932;
See also Gilpin v. Kansas State High School Activities Association, 377 F. Supp. 1233, 1242 (1974);
Cape v. Tennessee Secondary School Athletic Association,
(citation to be provided)

Petrie v. Illinois High School Association,
394 N.E. 2d 855, 862 (1979);

O'Connor v. Board of Education School District 23,
101 S.Ct. 72 (1980);

For a criticism of this approach see Donna J. Hitchens, A Litigation Strategy on Behalf of the Outstanding High School Female Athlete, 8 Golden Gate University, L.R. 424, 428;
and David Pannick, Sex Discrimination in Sport,
page 57;

24 See Mr. Justice Stevens in O'Connor v. Board of Education School District 23, 101 S.Ct. 72 (1980), where he points out:

"The answer must depend on whether it is permissible for the defendants to structure their athletic programmes by using sex as one criterion for eligibility. If the classification is reasonable in substantially all of its applications, I do not believe that the general rule can be said to be unconstitutional simply because it appears arbitrary in an individual case."

SPORT	ATHLETES		COACHES		OFFICIALS		EXECUTIVE		B of D		FULL-TIME STAFF		TOTAL MEMBER	
	T	W	T	W	T	W	T	W	T	W	T	W	T	W
T.C. Amputee	40	10	5	3	1	0	7	2	-	-	-	-	53	15
Pr Archery	350	140	70	18	15	3	4	3	25	5	2	1	452	170
E.D. Badminton	10000	-	-	-	-	-	-	-	7	1	5	5	10000	-
P Ball Hockey *	6000	100	300	-	100	-	-	-	8	-	-	-	6528	100
S.T. Baseball	11000	100	1200	50	1800	10	10	1	-	-	1	1	14010	152
E.D. Basketball	950	475	600	275	900	100	6	-	8	-	2	1	2400	851
P Bobsleigh	35	-	5	-	1	-	8	-	14	-	-	-	63	-
P.C. Bowling 5-Pin *	43556	26134	1106	424	79	22	-	-	11	2	6	3	45264	26816
Eastern Ont. S. Broomball	1297	493	121	16	32	3	9	3	19	7	-	-	1478	522
T.D. Boxing	650	-	150	-	100	15	8	-	15	-	2	-	925	15
P Cerebral Palsy	172	50	-	-	-	-	5	3	8	4	-	-	185	57
E.D. Canoe	1500	450	-	-	-	-	-	-	10	1	5	4	1500	450
P & T.D. Cricket *	4000	15	24	-	6[illegible]	-	5	0	14	1	3	1	4451	39
Council Curling	-	-	-	-	-	-	16	8	4	2	1	-	-	-

APPENDIX 1

SPORT	ATHLETES		COACHES		OFFICIALS		EXECUTIVE		B of D		FULL-TIME STAFF		TOTAL MEMBER	
	T	W	T	W	T	W	T	W	T	W	T	W	T	W
T.D. Cycling	1000	35	30	-	40	10	7	1	-	-	3	1	1080	47
E.S. Diving	331	207	38	19	64	34	6	2	6	3	1	1	446	266
E.D. Equestrian	1800	1080	300	180	200	120	14	2	23	6	3	3	2340	1391
S Fencing	426	107	9	-	-	-	6	3	10	4	-	-	451	114
P Field Hockey (M)	1100	-	30	-	45	3	6	-	10	-	-	-	1191	3
E.D. & P. Field Hockey (W)	2500	2500	210	200	115	60	16	9	7	3	3	3	2871	2775
* Figure Skating	52672	42150	1608	1358	5000	3250	4	2	14	4	2	2	59368	46817
Golf (M)	40000	-	-	-	-	-	6	0	103	0	5	4	40114	4
Golf (L)	21000	21000	-	-	-	-	17	10	12	12	2	2	21000	21000
A.D. Gymnastics	21000	17000	1500	1100	500	420	5	1	12	6	8	6	23025	18533
A.D. Modern Gymnastics	779	779	39	39	13	13	5	5	3	1	1	1	894	878
E.D. Handball	350	25	3	-	6	-	4	-	10	1	2	1	375	27
P Hockey	150000	5000	1000	250	3100	-	6	3	18	10	17	1	154141	5264
P.C. Hockey (Women's)	12000	12000	246	20	300	25	11	6	-	-	1	1	12558	12052

SPORT	ATHLETES		COACHES		OFFICIALS		EXECUTIVE		B of D		FULL-TIME STAFF		TOTAL MEMBER	
	T	W	T	W	T	W	T	W	T	W	T	W	T	W
Lawn Bowling (M) P	6000	-	-	-	35	-	-	-	14	-	-	-	6049	-
Lawn Bowling (W) T	7050	7050	27	27	45	45	6	6	6	6	-	-	7134	7134
Lacrosse* E.D.	8000	400	500	10	300	30	10	2	30	7	3	-	11333	1697
Luge P	50	15	-	-	2	1	8	2	14	2	-	-	58	20
Netball P	1000	1000	18	18	40	40	5	5	20	19	4	3	1087	1085
Orienteering P	961	398	-	-	62	22	-	-	7	3	3	1	1033	114
Parachuting E.D.	350	50	25	5	10	5	5	-	10	1	2	1	400	61
Modern Pentathlon P	120	40	6	-	40	20	-	-	20	10	-	-	186	70
Powerlifting P	400	100	20	5	15	3	5	1	-	-	-	-	440	109
Racquetball P	750	175	50	15	140	21	15	2	-	-	-	-	961	113
Ringette* P	7000	7000	500	250	660	165	5	2	10	4	5	4	8675	7558
Rowing * P	2000	800	106	14	66	3	6	0	11	2	-	-	2419	868
Rugby P	5000	30	300	-	75	-	10	1	15	1	3	1	5903	3
Sailing R.C.	3000	450	750	268	300	75	4	0	12	0	3	1	4069	794

APPENDIX 1

	ATHLETES		COACHES		OFFICIALS		EXECUTIVE		B of D		FULL-TIME STAFF		TOTAL MEMBER	
SPORT	T	W	T	W	T	W	T	W	T	W	T	W	T	W
T.P.D. Ski Council		50%		25%	-	-	-	4%	-	7%	-	5%	-	-
S.T. Soaring	1000	50												
T.D. Soccer	120000	9000		5%		1%		10%	6	-	9	5	120000	9000
Softball *	6180	2220	800	260	-	-	14	0	20	-	-	-	8000	2755
P. O.A.S.A. (Comp.)	7889	-	1187	46	-	-	25	-	-	-	-	-	9101	46
P Women's Softball	4000	4000	650	325	-	-	20	12	20	12	-	-	4690	4641
E.D. Squash	100000	30000	100	15	250	100	-	-	5	1	2	2	00357	30118
E.S.D. Swimming	4550	2603	265	53	2405	962	6	-	15	-	8	5	7249	3625
E.D. Synchro Swimming	2400	2160	1000	900	160	157	8	8	14	14	2	2	3594	3241
E.D. Table Tennis	1000	50	25	5	100	5	4	1	10	1	3	1	1142	63
E.D. Team Handball	700	225	30	3	25	1	-	-	10	-	2	1	765	230
E.D. Tennis	40000	18000	700	200	300	150	6	1	36	6	4	1	41046	18358
P Track & Field	2500	900	350	125	150	50	4	-	13	-	6	2	3023	1077
E.D. Volleyball	1661	784	494	214	602	287	3	1	9	4	8	4	2811	1294

	ATHLETES		COACHES		OFFICIALS		EXECUTIVE		B of D		FULL-TIME STAFF		TOTAL MEMBER	
SPORT	T	W	T	W	T	W	T	W	T	W	T	W	T	W
E.D. Water Polo	553	227	48	9	54	2	8	2	-	-	2	-	665	242
E.D. Water Ski	2000	500	150	50	40	20	10	2	-	-	2	1	2000	572
P Weightlifting	145	9	20	4	25	-	8	-	3	-	-	-	201	13
C Wheelchair	200	40	20	8	-	-	8	4	14	6	-	-	232	58
Wrestling	2200	-	190	-	100	-	6	-	14	-	5	2	2505	2
TOTALS	723167	218126	16898	6781	18477	6252	400	116	882	203	145	78	842491	233428
% W		30.2%		40%		33.8%		29%		23%		54%		28%

Note: Those sports marked with an asterisk (*) were contacted directly or through their Ministry Sport Consultant to establish a consistent interpretation re "Executive". (See explanation page 3)

APPENDIX 1

APPENDIX 1

SGB SURVEY

This data is based on a response from 56 out of a possible 72 SGBs or 78%. See Appendix VII for Questionnaire and complete responses by sport.

		As of September, 1982	
	Total	Total # of Females	% of Females
1. Athletes	723,167	218,126	30.2%
2. Coaches	16,898	6,781	40.0%
3. Officials	18,477	6,252	33.8%
4. Executive	400	116	29.0%
5. Board of Directors	882	203	23.0%
6. Full-Time Staff	145	78	54.0%

APPENDIX 1

Further information was collected by utilizing MTR records. These figures represent all 72 recognized SGBs.

*Breakdown of SGB Staff - as of May, 1983

Total Staff - 84
(Excluding Support Staff)

Male	Female
54	30
Ratio	Ratio
64%	36%

*Administrative/Executive or Managing Directors

Male	Female
27	14
Ratio	Ratio
66%	34%

*Technical Directors

Male	Female
15	4
Ratio	Ratio
79%	21%

*Program Co-ordinators

Male	Female
12	12
Ratio	Ratio
50%	50%

*SGB Presidents/Chairperson

Male	Female
60	12
Ratio	Ratio
84%	16%

APPENDIX 2

LIST OF SPORT GOVERNING BODIES

(AS OF SPRING 1982)

ARCHERY	-	(The Ontario Association of Archers Inc.)
BADMINTON	-	(Ontario Badminton Association)
BALL HOCKEY	-	(Ontario Ball Hockey Association)
BASEBALL	-	(Ontario Baseball Association)
BASKETBALL	-	(Ontario Amateur Basketball Association)
BOBSLED	-	(Ontario Bobsleigh Association)
BOXING	-	(Boxing Ontario)
BOWLING	-	(Ontario 5-Pin Bowling Association)
BOWLING	-	(Ontario 10-Pin Bowling Federation)

BROOMBALL	-	(Federation of Broomball Associations of Ontario)	
CANOEING	-	(Canoe Ontario)	
CRICKET	-	(Ontario Cricket Association)	
CURLING	-	(Ontario Curling Federation)	
CYCLING	-	(Ontario Cycling Association)	
DISABLED SPORTS-	AMPUTEE	-	(Ontario Amputee Sports Association)
	BLIND	-	(Ontario Blind Sports Association)
	CEREBRAL PALSY	-	(Ontario Cerebral Palsy Sports Association)
	WHEELCHAIR-		(Ontario Wheelchair Sport Association)
DIVING	-	(Canadian Amateur Diving Association - Ontario Section)	
EQUESTRIAN	-	(Ontario Equestrian Federation)	
FENCING	-	(Ontario Fencing Association)	
FIELD HOCKEY	-	MEN'S -	(Ontario Field Hockey Association)

FIELD HOCKEY - WOMEN'S - (Ontario Women's Field Hockey Association)

FIGURE SKATING - (Canadian Figure Skating Association Ontario Council)

FLY AND BAIT - (Ontario Fly and Bait Casting Association)

FOOTBALL - (Ontario Amateur Football Association)

GOLF - MEN'S (Ontario Golf Association)

GOLF - LADIES' - (Ontario Ladies' Golf Association)

GYMNASTICS - (Ontario Gymnastics Federation)

HANDBALL - (Ontario Handball Association)

HANG GLIDING - (Ontario Hang Gliding Association)

HOCKEY - (Hockey Ontario Development Committee)

HOCKEY - WOMEN'S - (Ontario Women's Hockey Association)

ICE SKATING	-	(The Ice Skating Association of Ontario)
JIU-JITSU	-	(Canadian Jiu-Jitsu Association - Ontario Division)
JUDO	-	(Judo Ontario)
KARATE	-	(Karate Ontario)
KENDO	-	(Kendo Ontario)
LACROSSE	-	(Ontario Lacrosse Association)
LAWN BOWLING	-	WOMEN'S (Ladies' Provincial Lawn Bowling Associaton)
LAWN BOWLING	-	MEN'S - (Men's Provincial Lawn Bowling Association)
LUGE	-	(Ontario Luge Association)
MODERN GYMNASTICS	-	(Ontario Modern Rhythmic Gymnastics Federation)
MODERN PENTATHLON	-	(Ontario Modern Pantathlon Association)

NETBALL - (Ontario Amateur Netball Association)

ORIENTEERING - (Orienteering Ontario)

PARACHUTING - (Sport Parachuting Clubs of Ontario)

POWERLIFTING - (Ontario Powerlifting Association)

RACQUETBALL - (Racquetball Ontario)

RINGETTE - (Ontario Ringette Association)

ROLLER SKATING - (Ontario Federation of Amateur Roller Stakers)

ROWING - (Ontario Rowing Association)

RUGBY - (Ontario Rugby Union)

SAILING - (Ontario Sailing Association)

SHOOTING - (Ontario Council of Shooters)

SKIING - (Ontario Ski Council)

SOARING	-	(Ontario Soaring Association)
SOCCER	-	(Ontario Soccer Association)
SOFTBALL	-	(Softball Ontario - 3 member groups: Ontario Rural Softball Association Provincial Women's Softball Association Ontario Amateur Softball Association)
SQUASH	-	(Squash Ontario)
SWIMMING	-	(Canadian Amateur Swimming Association Ontario Section)
SYNCHRONIZED SWIMMING	-	(Synchro Ontario - Canadian Amateur Synchronized Swimming Association - Ontario Section)
TABLE TENNIS	-	(Ontario Table Tennis Association)
TAE KWON DO	-	(Ontario Tae Kwon Do Association)
TEAM HANDBALL	-	(Ontario Team Handball Federation)
TENNIS	-	Ontario Tennis Association

TRACK AND FIELD- (Ontario Track and Field Association)

UNDERWATER - (Ontario Underwater Council)

VOLLEYBALL - (Ontario Volleyball Association)

WATER POLO - (Ontario Water Polo Association)

WATER SKIING - (Ontario Water Ski Association)

WEIGHTLIFTING - (Ontario Weightlifting Association)

WRESTLING - (Ontario Olympic Wrestling Federation)

REGULATION 653

under the Ministry of Culture and Recreation Act

PROGRAMS OF RECREATION

INTERPRETATION

1. In this Regulation,

(a) "assistant municipal recreation director" means a municipal employee whose full-time service is devoted to the provision and supervision of a program of recreation;

(b) "municipal recreation director" means a municipal employee whose full-time service is devoted to the provision, supervision and direction of a program of recreation;

(c) "population" means the population determined by reference to the municipal census of the municipality for the year two years prior to the year for which the grant is calculated, less the number of inmates in public institutions in the municipality as certified by the clerk of the municipality;

(d) "recreation committee" means a committee appointed by a municipal council to conduct a recreation program;

(e) "recreation program" means a program for the provision of facilities for recreation and for the supervision, encouragement and guidance of recreational activity. R.R.O. 1970, Reg. 200, s. 1.

2.—(1) Subject to the approval of the Minister,

(a) a municipal council may by by-law appoint a recreation committee; or

(b) two or more municipal councils of municipalities having a combined population of under 25,000 may by by-law or by-laws appoint a joint recreation committee.

(2) A recreation committee shall be composed of at least five members and not more than twelve, of whom at least two are members of the council or councils that appoint it. R.R.O. 1970, Reg. 200, s. 2.

GRANTS

3. For the purpose of legislative grants for programs of recreation, "approved maintenance and operating costs" means the cost incurred by a recreation committee in a year for,

(a) renting and maintaining buildings, land, waterfronts or equipment;

(b) office expenses;

(c) supplies and expendable equipment;

(d) advertising and publicity; and

(e) each specific event or activity included in the general program of recreation, other than leadership salaries, and the costs included under clauses (a), (b), (c) and (d) and less fees, admissions and collections for that specific event or activity. R.R.O. 1970, Reg. 200, s. 3.

4. An annual grant shall be paid to a municipal council where,

(a) the council has provided a recreation program during the year for which the grant is paid;

(b) the recreation program is approved by the Minister;

(c) the recreation committee has incurred and the council has authorized the payment of the expenditures calculated in the approved maintenance and operating cost of the recreation program and the salaries in respect of which the grant is claimed under section 5. R.R.O. 1970, Reg. 200, s. 4.

5.—(1) Subject to subsections (2) and (3) the amount of a grant for a year paid under section 4 is,

(a) 33⅓ per cent of the salary of one municipal recreation director for the year and 33⅓ per cent of the salary of each assistant municipal recreation director for the year, but not exceeding,

(i) $2,500 in respect of a municipal recreation director who holds a Permanent Municipal Recreation Director's Certificate, Type A,

(ii) $2,000 in respect of a municipal recreation director who holds an Interim Municipal Recreation Director's Certificate, Type A,

APPENDIX 3

(iii) $1,600 in respect of a municipal recreation director who holds a Permanent Municipal Recreation Director's Certificate, Type B,

(iv) $1,200 in respect of a municipal recreation director who holds an Interim Municipal Recreation Director's Certificate, Type B,

(v) $600 in respect of a municipal recreation director who does not hold one of the certificates referred to in subclause (i), (ii), (iii) or (iv) but who has been approved by the Minister for the purposes of the grant for that year, or

(vi) $1,400 in respect of a municipal recreation director who does not hold a certificate qualifying him to be a municipal recreation director but who was, prior to the 31st day of December, 1964, approved by the Minister for the purpose of the grant for that year;

(*b*) 33⅓ per cent of the salary of each person, excluding municipal recreation directors and assistant municipal recreation directors, employed by the recreation committee for the purpose of program leadership or secretarial service, but not exceeding $500 in respect of each person so employed; and

(*c*) 25 per cent of the approved maintenance and operating costs for the year, but not exceeding $1,000.

(2) The expenditures used in the calculation of a grant under subsection (1) for a year shall be those incurred in the preceding year.

(3) The total grant for a municipality with a population,

(*a*) of under 25,000 shall not exceed,

(i) $5,000 under clauses (1) (*a*) and (*b*), and

(ii) $6,000 under subsection (1),

(*b*) of 25,000 or more but under 75,000 shall not exceed,

(i) $8,000 under clauses (1) (*a*) and (*b*), and

(ii) $9,000 under subsection (1);

(*c*) of 75,000 or more but under 200,000 shall not exceed,

(i) $11,000 under clauses (1) (*a*) and (*b*), and

(ii) $12,000 under subsection (1); and

(*d*) of 200,000 or more shall not exceed,

(i) $14,000 under clauses (1) (*a*) and (*b*), and

(ii) $15,000 under subsection (1). R.R.O. 1970, Reg. 200, s. 5.

6. Where a program of recreation that does not qualify for a grant under section 4 is conducted in territory without municipal organization or on a reserve within the meaning of the *Indian Act* (Canada), with the approval of the Minister, a special grant not exceeding $5,000, may be paid. R.R.O. 1970, Reg. 200, s. 6.

REDUCTION IN GRANTS

7. Where in any year the amount voted by the Legislature for the grants under this Regulation is insufficient to pay the grants in full, the Minister may make a *pro rata* reduction. R.R.O. 1970, Reg. 200, s. 7.

APPENDIX 4

Ontario

Ministry of Tourism and Recreation

1982 Statement and Application for 1983 Recreation Grant

- Submit original and two copies prepared either typewriter or ink before March 31, 1983

Office Use Only	
File No.	
Batch No.	Geo. Code

To:

From:

Consultant	Municipality or Indian Band		
	Address		Postal Code
	Official Name of Committee		
	By-law No.	Date Passed	
	Contact Person	Position or Title	Telephone No.

Certificate of Municipal Clerk and Treasurer

We the undersigned do hereby certify that, to the best of our knowledge and belief, this statement contains a full and correct account of all matters stated herein.

Date	Municipal Clerk or Indian Administrator
Treasurer's Address	Municipal Treasurer

Certificate of Auditor

Municipality of the _____ of _____

In our opinion schedule A and B presents fairly the expenditure for municipal recreation purposes incurred by the recreation committee and authorized by the council and the revenue and expenditure resulting from the operation of each of the programs, activities and events sponsored by the committee for the year ending December 31st, 19 _____.

Date	Municipal Auditor	License No.

Recommendation of Consultant – Community Programs, Ministry of Tourism and Recreation

I have examined this statement and in my opinion the program is reported accurately.

It is my recommendation that the grant be: ☐ Paid ☐ Not Paid

Comments		
Date	Signature of Consultant	

Recommendation of Regional Manager, Community Programs

I have checked this statement and it is my recommendation that the grant be: ☐ Paid ☐ Not Paid

Comments	Signature of Regional Manager	Date

Coding

Invoice or Doc. # 11–15	Purchase Req'n # 16–21	Vendor # 22–30	Pss 38–40	Org. 41–42	Common Object 45–48 Fixed / 49–50 Ext.	TP 66–67	Amount $ 72–80

APPENDIX 4

Municipal Recreation Statement for the Municipality of _____

For the year ended December 31,

Schedule A

1. Salaries	Name	Number, Type and date of Certificate	Months Employed	Annual Rate of Salary	Salary		
(a) Director with Cert.	(i)						
	(ii)						
(b) Ass't. Directors with Cert.	(i)						
	(ii)						
(c) Director & Ass't. Directors app'd for year	(i)						
	(ii)						
(d) Director & Ass't. Directors app'd prior to Dec. 31,1964	(i)						
	(ii)						

(a) Salaries of employees providing only program leadership or secretarial services
(i) for all employees each receiving $1,500 or less per annum
(ii) for each employee receiving more than $1,500 per annum
(enter details in schedule below)

Name	Specific Job	Salary

2. Operating and maintenance (exclude expenditure for program, activities and events covered in schedule B)

(a) Administration and office expenses, (rent, telephone, stationery, light, heat, advertising, etc.)
(b) Building and facilities (rent, light, heat and general maintenance)
(c) Equipment (repairs, renewals and minor alterations)
(d) Other expenditure

3. Operating expenditure of program activities and events (schedule B, column 2)

4. Capital expenditure (specify)

5. Other (specify)

6. Total Expenditure

APPENDIX 4

Schedule B — **Operating revenue and expenditure for program, activities and events operated directly by the municipal recreation committee.**

Instructions for completion of schedule B.

1. In column 2 include salaries of employees who are connected with program and events but are not employed as leaders or secretaries.
2. Where, for any program or event column 3 exceeds column 2, column 4 is to be left blank.

Program or Event (col. 1)	Expenses (excluding leadership and sec. service) (col. 2)		Fees, collections, and admissions (col. 3)		Net Cost (col. 2 less col. 3) (col. 4)	
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						
26.						
27.						
28.						
Totals						

APPENDIX 5

TASK FORCE ON EQUAL OPPORTUNITY IN ATHLETICS

SURVEY OF PHYSICAL ACTIVITY PROGRAMS OFFERED AT CITY/MUNICIPAL RECREATION FACILITIES

NAME OF CITY OR MUNICIPALITY _____

NAME OF DIRECTOR OF RECREATION _____

DATE _____

---

1. (a) Types of physical activites offered by Recreation Branch (e.g. soccer, softball etc.)

MALE	FEMALE	COED

(b) Total number of participants in above activities

(i) Male _____

(ii) Female _____

(iii) Coed (total) _____

(male to female ratio in coed activities) _____

(c) Total number of participants in various physical activity programs offered by Recreation Branch in 1972/73 i.e. ten years ago (it is not necessary to list types of activities provided at that time)

(i) Male _____

(ii) Female _____

(iii) Coed (total) _____

(male to female ratio in coed activities) _____

APPENDIX 5

2. (a) Types of community sponsored physical activities

MALE	FEMALE	COED

(b) Total number of participants in the above activities

(i) Male _____

(ii) Female _____

(iii) Coed (total) _____

(male to female ratio in coed activities) _____

(c) Total number of participants in various physical activites sponsored by the community in 1972/73 (again, it is not necessary to list types of activities provided at that time)

(i) Male _____

(ii) Female _____

(iii) Coed (total) _____

(male to female ratio in coed activities) _____

3. Number of hours programmed annually by Recreation Branch for physical activities

MALE _____ hrs.

FEMALE _____ hrs.

COED _____ hrs.

4. (a) Number of permit hours issued annually to community groups, associations, leagues and schools:

(i) PLAYING FIELDS

MALE _____ hrs.

FEMALE _____ hrs.

MALE/FEMALE _____ hrs.

APPENDIX 5

4. (a) cont.

(ii) ARENAS

MALE _____ hrs.

FEMALE _____ hrs.

MALE/FEMALE _____ hrs.

(b) In the case of male/female activities in (i) and (ii) above, are these hours designated at the discretion of the permit holder, as Male, Female or Coed?

(c) On what basis are permits issued to these groups e.g. on a seniority or "first come, first served" basis?

(d) Could it be said that, within your community, the times designated for use of the hours available are equally convenient for both males and females?

5. Funding

(a) This year's budget for physical activity programs:

$ _____

(b) Funding received from

(a) the Province $ _____

(b) the City/Municipality $ _____

(c) Other $ _____

(c) Allocation of funds

(a) to male activities $ _____

(b) to female activities $ _____

(c) to coed activities $ _____

(d) Describe method of allocating budget e.g. who decides whether funds will be expended on male activities or female activities? Who decides whether an arena will be built as opposed to a new playing field?

APPENDIX 6

SYNOPSIS OF PHYSIOLOGICAL STUDY

The specific questions which the panel addressed and a synopsis of their findings are set out below.

(1) Are there sports in which females generally cannot compete equally with males? Why? In those sports how does one account for the exceptional female athlete?

Present research suggests that there are many sports in which females cannot compete equally with males. These sports favour height, weight, and lean body mass and even highly trained females cannot usually compete with comparably trained males. Of course, females in the upper range are often capable of equal or superior performance compared to males in the lower range. Also, there are some sports (e.g. long distance cycling, distance swimming) in which females compete equally, or at an advantage, against males.

Most sports involve reaction time and body movement. In almost all studies men have been faster than women. While part of the difference may be explained by the higher percentage of muscle and shorter time in males to develop maximum power, it may also be related to cultural expectations and motivational levels.

In track and field, a gap continues to exist between female and male performance, albeit a quickly closing gap. Male performances are superior in the shotput and discus, despite a heavier shot (16 lb. vs. 8 lb. 13 oz.) and discus (4 lb. 6 oz. vs. 2 lb. 3 oz.). Females are able to achieve

distances close to those for males when using lighter implements. It has been suggested that females are achieving a relative level of potential similar to that reached by males.

Prior to puberty, strength differences are not great. At puberty, there is an increase in androgen and testosterone which assists in the development of muscle mass which, in turn, is closely associated with success in sport.

Men have an advantage at the beginning of an athletic event such as a middle distance run because power is required. This factor should be less significant in long distances where anaerobic energy sources become less significant and aerobic sources more significant.

Presently, there is a minimum of some 7% difference between the highly trained athlete in terms of aerobic power, and a reported 200% difference in time to develop maximum strength (knee extension). In normally active females it would seem likely that the female would perform better in the longer distance where aerobic energy is of primary significance and quickness of less significance.

The exceptional female athlete achieves that status of a consequence of genetics, training and instruction. The female has certain advantages over the male. There is a greater flexibility which can assist in longer running strides and better hurdling technique. This is attributed to the hormone, relaxin, which influences the tautness of ligaments. Female bones are usually shorter and/or smaller than male equivalent structures. In some events, such as long distance running, swimming and gymnastics, this may well be an advantage.

(2) Are some sports more dangerous for women than men? Why? To what extent is this a function of lack of appropriate equipment for females?

Some investigators have maintained that female athletes sustain the same injuries in relatively the same proportion as males: other investigators report differential incidence of injuries in females. This may be attributed to inadequate conditioning at the beginning of a season. Statistics such as those provided by the National Athletic Injury/Illness Reporting System (NAIRS) show that women have a higher frequency of ankle injuries than men. The Hospital for Sick Children (1981) reported that most patients at their Sports Medicine Clinic had knee problems, the "majority" were girls aged 13 - 15. As in the NAIRS report, ankle injuries were common, with lower back problems associated with gymnastics also in evidence. The latter might well be a consequence of improprer training. There is a scarcity of Canadian data on the frequency of injuries and little comparative analysis of injury susceptibilities of male and female.

In addition to gymnastics, there is a slightly higher incidence of injury in basketball for females as compared to males. It may be that girls have a less efficient muscular resistance to twisting injuries because of lower strength/weight ratio. Also, since the centre of gravity in boys is nearer their shoulders, they may employ hip flexion as a shock absorbing mechanism more effectively than girls whose centre of gravity is closer to the hips.

It is believed that some 6 to 18% of recreational runners (running approximately 20 miles per week) and up to 50% of women running about 80 miles per week have experienced

cessation of menstral periods. Estrogen supplements in order to avoid osteoporosis have been recommended.

While intensive training during pre-puberty and puberty seems to be associated with delayed maturity in females, particularly regarding menarche, there is at present no indication of morphological or functional damage of female genitals or later infertility caused by early athletic training.

A major concern is the possibility of injury in contact sports where females might be participating against males either of the same age and size or larger. Recent study has shown that 19.4 year old females achieved 60 to 80 percent of the 17.8 year old males' aerobic power, anaerobic power, and muscle strength performance in relation to lean body mass. A most important observation was the fact that females required twice as long as males to develop knee extension force. Corresponding to the increased time for force generation, females exhibited lower enzymatic values associated with muscle shortening quickness. It may be argued that these differences are due to lack of practice and/or interest of the females to involve themselves in physical activity, but even well trained and motivated females exhibit lower strength and power values when compared to males.

These findings suggest that post-pubertal females are genetically pre-disposed to lower strength and power scores compared to similarly aged boys. Thus, women are at a distinct disadvantage when playing contact sports against males.

A unique problem of the female athlete relates to breasts. Many women have reported discomfort from poorly designed

brassieres. A number of bra manufacturers have developed sports bras which should substantially reduce or eliminate this problem.

To the limited extent to which research establishes any higher incidence of injury among female athletes, this cannot be attributed to inappropriately designed equipment. Nevertheless, all sports equipment, including running shoes and protective equipment, should continue to be designed with the female athlete in mind.

(3) To what extent does gender determine or affect our ability to attain proficiency in sport?

In the prepubescent child there are no significant differences in performance times between boys and girls for sit-ups, shuttle run, long jump, sprinting, and 600 yard run/walk. Boys score significantly higher scores in the softball throw at all ages. However, when the non-dominant hand was used, male and female performance was similar. The difference in the dominant hand is likely a consequence of example and practice.

Save for pregnancy, gender is not a factor in attaining proficiency in any sport. However, gender is a factor in attaining the highest absolute scores in many sports.

One of the most significant criteria of fitness is the maximum ability to transport oxygen; on average this is 16% lower among females. The lower female aerobic power score may be attributed in part to a reduced hemoglobin concentration.

In sports which involve running, additional weight reduces efficiency. Females generally carry more body fat than males. It has been reported that some females can lower their body fat below 10%, approaching the average for elite male distance runners. The greater lean body of the male is attributed to higher levels of androgen. The higher amount of estrogen hormone in the female contributes to higher levels of fat.

Increased weight as a consequence of body fat is not of great significance in certain sports such as swimming and cycling, in which body weight is supported.

In leg extension, females require twice the time as males to develop maximal leg muscle force. This large differential is unlikely to be a consequence of lack of training, but rather of genetic origin. There is a greater muscle mass in males as compared to females. The higher levels of testosterone in males is the primary reason. Strength training can result in large gains in the female's total body strength, but it does not appear to result in concomitant gains in muscle bulk (once again due to low levels of testosterone).

Selection of successful athletic performers is facilitated by a large sample from which to choose. Athletes are more mesomorphic (muscular) than non athletes. Males tend to be more exto (lean) and mesomorphic, while females tend to be endomorphic (fat). As the pool for males contains a larger number of mesomorphs, it is likely that individuals capable of superior performance will be disproportionately male.

Some females report that athletic performance is affected by menstruation; others report that performance is unaffected.

The increased weight with pregnancy can significantly raise the energy cost for a given distance. Balance may also be affected and can lead to muscular inefficiency.

Females are reported to be less heat tolerant than males during physical exercise. However, this difference is primarily attributed to a lower level of training and the absence of heat acclimatization.

POOR

QUALITY

ORIGINAL